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RCRA PERMITTING & COMPLIANCE BRANCH
(RPOD)

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

OFFICE OF THE DIRECTOR

P.O. Box 176 Jefferson City, MO 65102-0176

MAR 5 1997

CERTIFIED MAIL - P 331 194 389
RETURN RECEIPT REQUESTED

Mr. Joseph Haake
McDonnell Douglas, St. Louis
Environmental and Hazardous
Materials Services
P.O. Box 516, Department 64C
Mail Code 1003377
St. Louis, MO 63166-0516

CERTIFIED MAIL - P 331 194 390
RETURN RECEIPT REQUESTED

Mr. Steve Collins
Defense Contract Management
Corporation
DCMDW-RTB
McDonnell Douglas Corporation
St. Louis, MO 63166

AX



R00058108

RCRA Records Center

RE: McDonnell Douglas, Tract I, Hazardous Waste Storage Permit
EPA ID: MOD000818963

Dear Mr. Haake and Mr. Collins:

This letter is being sent to inform you of the Missouri Department of Natural Resources' (MDNR) final decision to reissue a hazardous waste management facility storage permit to the McDonnell Douglas Corporation for its Tract I facility in St. Louis, Missouri. The United States Environmental Protection Agency (EPA) is reissuing a separate portion addressing portions of RCRA for which the state of Missouri does not yet have authorization.

Public participation requirements for McDonnell Douglas' draft permit were conducted in accordance with 10 CSR 25-8.010(1)(E)2 and 40 CFR 124. During the public comment period, comments were received from McDonnell Douglas



RECYCLED PAPER

Mr. Joseph Haake
Mr. Steve Collins
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Corporation. The department's response to these comments are included with the final permit. A copy of the additions (redline) and deletions (strikeouts) to the draft permit has also been enclosed to aid in identifying the modifications to the draft permit.

McDonnell Douglas may appeal the final decision, or any portion of the final permit, to the Hazardous Waste Management Commission in accordance with the procedures outlined in Section 260.395.11, RSMo. Enclosed is the final RCRA Hazardous Waste Facility Storage Permit, which contains specific items in the compliance schedule that McDonnell Douglas will be required to meet in order to operate under this permit.

If you have any questions, please contact Mr. Brian McCurren, Environmental Engineer, at (573) 751-3176.

Very truly yours,

DEPARTMENT OF NATURAL RESOURCES



David A. Shorr
Director

DAS:bms

Enclosures

c: The Honorable Christopher S. Bond, U.S. Senator
The Honorable John Ashcroft, U.S. Senator
The Honorable James Talent, U.S. Representative
The Honorable Betty Sims, Missouri State Senator
The Honorable Patrick J. O'Connor, Missouri State Representative
The Honorable David W. Farquharson, Mayor, City of Hazelwood
The Honorable George Westfall, St. Louis County Executive
Bob Stewart, P.E., U.S. EPA Region VII
MDNR, St. Louis Regional Office
St. Louis County Library, Prairie Commons Branch

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

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RCRA PERMITTING & COMPLIANCE BRANCH
(R/CB)

OFFICE OF THE DIRECTOR

P.O. Box 176 Jefferson City, MO 65102-0176

MISSOURI HAZARDOUS WASTE MANAGEMENT FACILITY PERMIT

PART I

PERMIT NUMBER: MOD 000 818 963

PERMITTEE

USA Dept. of The Navy (Owner) McDonnell Douglas (Operator)
2155 Eagle Drive, P.O. Box 190010 P.O. Box 516
North Charleston, SC 29419-9010 St. Louis, MO 63166-0516

LOCATION

McDonnell Douglas - St. Louis, Tract I Facility
McDonnell and Lindbergh Blvd.
St. Louis, MO 63145
T46N, R6E St. Louis County
Latitude 38°45'25" North Longitude 90°21'55" West

FACILITY DESCRIPTION

McDonnell Douglas stores hazardous waste generally associated with the fabrication of aluminum, titanium, composite structures, and other materials used in the manufacture of airframes.

PERMITTED ACTIVITY

The facility is permitted to store "characteristic" hazardous waste as well as various "F" listed wastes as specified in the Part A Permit application. This Permit requires McDonnell Douglas Corporation to conduct further investigation and monitoring to determine the nature and extent of hazardous waste, including hazardous constituents, released to the environment as a result of past waste management practices, and/or to remediate any contaminated areas which pose a threat to human health or the environment.

EFFECTIVE DATES OF PERMIT: March 5, 1997 to March 5, 2007

March 5, 1997

Date



David A. Shorr, Director
Department of Natural Resources



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INTRODUCTION

After public notice according to 10 CSR 25-8.010 and 40 CFR Part 124, and review of the McDonnell Douglas Corporation RCRA Permit Application, the Missouri Department of Natural Resources (hereafter referred to as the Department) has determined that the application substantially conforms with the provisions of the Missouri Hazardous Waste Management Law (and all standards, rules, and regulations adopted under this act), Section 260.350, et seq., RSMo. Following Section 260.375.13, RSMo, the Department hereby approves the application and issues Permit Number MOD000818963 to the U.S. Department of the Navy as the owner and the McDonnell Douglas Corporation as the operator (hereafter referred to as the Permittee) for the operation of the hazardous waste management facility as set forth in the application. This Permit also addresses corrective action requirements for solid waste management units and other requirements of the Hazardous and Solid Waste Amendments (HSWA) of 1984 as administered and enforced by the Department. Applicable regulations are found in 40 CFR Parts 124, 260 through 264, 268, and 270, as specified in this Permit. Part I of this Permit is issued under State authority and Part II is issued under Federal authority. Part I shall remain in effect even if Part II is terminated or has expired.

The final approved Permit application includes the following documents which are hereby incorporated into this Permit by reference. All conditions specified in this Permit supersede any conflicting provisions of these documents. Where conflicts arise between documents the latest revision shall be effective.

1. Revised Part B Permit Application dated June 1995.
2. Comment letter from the Department, dated April 21, 1995.
3. McDonnell Douglas response to comments, dated June 30, 1995.

The above-referenced Permit application will hereafter be referred to as the "approved Permit application." The approved Permit application, along with all of the additional documents mentioned above and all additional documents required to be submitted under the Schedule of Compliance are defined as the "consolidated Permit application."

Operation of this hazardous waste management facility and HSWA corrective action shall be in accordance with the provisions of this Permit, the Missouri Hazardous Waste Management Law

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(Sections 260.350 through 260.434, RSMo), the rules and regulations promulgated thereunder [Code of State Regulations, Title 10, Division 25 (10 CSR 25)] as effective on the date of this Permit, the approved Permit application which is incorporated into the conditions of this Permit, and any other conditions, changes, or additions to the engineering plans, specifications and operating procedures as specified in this Permit. All conditions specified in this Permit supersede any conflicting information in the approved Permit application. Where conflicts arise between documents, the latest revision shall be effective.

Any inaccuracies found in information submitted may be grounds for the termination, revocation and reissuance, or modification of this Permit in accordance with 40 CFR Part 270 Subpart D, incorporated by reference in 10 CSR 25-7.270(2)(D), and for potential enforcement action. The Permittee shall inform the Department of any deviation from, or changes in, the information in the application which would affect the Permittee's ability to comply with the applicable regulations or Permit conditions.

The Permittee is required to comply with all applicable environmental laws and regulations enforced by the Department. These environmental laws and regulations are administered by the Department's Air Pollution Control Program, Hazardous Waste Program, Land Reclamation Program, Public Drinking Water Program, Solid Waste Management Program, and Water Pollution Control Program. Noncompliance with these environmental laws and regulations may, in certain circumstances, result in the suspension or revocation of this Permit and may subject the Permit holder to civil and criminal liability.

This Permit for operational, closure and corrective action activities is issued only to the Permittee named above. This Permit is issued for a period of ten years and expires at midnight on March 5, 2007. This Permit is subject to review and modification by the Department in accordance with 260.395.12, RSMo.

40 CFR §264.101(a), as incorporated by reference in 10 CSR 25-7.264(1), requires all owners or operators of facilities seeking a Permit for the treatment, storage or disposal of hazardous waste to institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.

40 CFR §264.101(b), as incorporated by reference in 10 CSR 25-7.264(1), requires that Permits issued under the Hazardous Waste Management Law, contain a schedule of compliance for corrective action (where corrective action cannot be completed prior to Permit issuance) and assurances of financial responsibility for completing such corrective action.

40 CFR §264.101(c), as incorporated by reference in 10 CSR 25-7.264(1), requires that corrective action be taken by the facility owner or operator beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates that, despite the owner/operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Further, 40 CFR §264.101(c), as incorporated by reference in 10 CSR 25-7.264(1), stipulates that the owner/operator is not relieved of any responsibility to clean-up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. In addition, assurances of financial responsibility for completing such corrective action must be provided.

40 CFR 270.32(b)(2), as incorporated by reference in 10 CSR 25-7.270(1), requires that each Permit issued under that section contain terms and conditions as the Director determines necessary to protect human health and the environment.

On April 25, 1994, Missouri received interim authorization for revisions to its hazardous waste management program, including the corrective action portion of the HSWA Codification Rule (July 15, 1985, 50 FR 28702) which had been previously adopted by the State. Thus, the corrective action requirements implemented by the State in lieu of EPA are incorporated into Part I of this Permit and are under state authority. Authority for other HSWA requirements for which the State is not authorized is retained by EPA under Part II of the Permit.

DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meaning as those in RCRA and 40 CFR Parts 124, 260, 261, 264, 268, and 270, unless this Permit specifically provides otherwise. Where terms are not defined in RCRA, the regulations, the Permit or EPA guidance or publications, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

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"Facility" means all contiguous property under the control of the owner or operator.

"Department" means the Missouri Department of Natural Resources.

"Director" means the Director of the Missouri Department of Natural Resources.

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

"Solid waste management unit (SWMU)" means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

"Area of Concern (AOC)" means an area at the facility or an off-site area, which is not at this time known to be a solid waste management unit (SWMU), where hazardous waste and/or hazardous constituents are present or are suspected to be present as a result of a release from the facility. The term shall include area(s) of potential or suspected contamination as well as actual contamination. Such area(s) may require study and a determination of what, if any, corrective action may be necessary. This definition is established pursuant to the authority granted by Section 3005(c)(3) of RCRA as embodied in 40 CFR 270.32(b)(2).

"Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The term "hazardous waste" also includes "hazardous constituent" as defined below.

"Hazardous constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261.

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"Stabilization" means actions to control or abate threats to human health and/or the environment from releases at RCRA facilities and/or to prevent or minimize the further spread of contamination while long-term remedies are pursued.

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SCHEDULE OF COMPLIANCE

- I. Within 60 days after the date of final Permit issuance, the Permittee shall:
 - A. Submit to the Department a certification by the Permittee that the Permittee has read the Permit in its entirety and understands all Permit conditions contained herein.
 - B. Submit to the Department a check or money order payable to the State of Missouri for any outstanding engineering review costs.
 - C. Submit to the Department two copies of the consolidated Permit application as required by 10 CSR 25-7.270(2)(B)7.
 - D. Submit to the Department a check or money order payable to the State of Missouri for \$1,000 for each year the Permit is to be in effect beyond the first year. This Permit is effective for ten years. Since the Permittee has submitted a check for \$1,000 with the RCRA Permit application, the remaining balance to be submitted by the Permittee is \$9,000 for this ten year Permit.
- II. The Permittee shall comply with the schedule for corrective action activities as specified in this Permit and as summarized on Table 1. attached hereto.
- III. The Permittee shall comply, as necessary, with the schedule(s) for contingent corrective action activities as specified in the Corrective Action Conditions Section of this Permit.

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CHANGES TO PERMIT

When the Department receives any information (such as inspection results, information from Permittee, or request from Permittee) it may decide whether cause exists to modify, revoke and reissue, or terminate a facility's Permit. All such changes to the Permit will be in accordance with 10 CSR 25-7.270(2)(D), 10 CSR 25-8 and 40 CFR Part 270 Subpart D.

CONFIDENTIALITY

All Permit application information shall be available to the public unless nondisclosure is requested in writing as set forth in Section 260.430, RSMo. The Permit and accompanying material will be available for review by the public at the Department's central office in Jefferson City, the U.S. Environmental Protection Agency Region VII office in Kansas City, Kansas, and the St. Louis County Library, Prairie Commons Branch, Hazelwood, Missouri 63145.

PERMIT SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

APPEALS

Any appeals of the issuance or denial of the Permit or specific Permit conditions based on State authority shall be directed to the Department and shall be in accordance with 10 CSR 25-7.270(2)(C)1.D. and 10 CSR 25-8.010. Any appeals of Part II of this Permit shall be directed to EPA and shall be in accordance with 40 CFR 124.19.

CITATIONS

In the state portion of the Permit, all citations to federal regulations are for the sake of convenient reference. The regulations are adopted by reference in 10 CSR 25. In the instances where state regulations are more stringent, the appropriate state reference is given.

STANDARD PERMIT CONDITIONS

I. Duty to Comply (40 CFR 270.30(a))

The Permittee must comply with all conditions of the Permit and with all applicable state laws and regulations. Any Permit noncompliance constitutes a violation of the appropriate Law or Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modifications; or for denial of a Permit renewal application.

II. Duty to Reapply (40 CFR 270.30(b) and 270.51)

If the Permittee wishes to continue an activity regulated by the Permit after its expiration date, the Permittee must apply for and obtain a new Permit. This Permit and all conditions herein will remain in effect beyond the Permit's expiration date if the Permittee has submitted a timely, complete application (40 CFR 270.14 and 10 CSR 25-7.270(2)(B)) and through no fault of the Permittee the Department has not issued a new Permit as set forth in 40 CFR Part 270 Subpart E.

III. Need to Halt or Reduce Activity not a Defense (40 CFR 270.30(c))

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the Permit.

IV. Duty to Mitigate (40 CFR 270.30(d))

In the event of noncompliance with the Permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

V. Proper Operation and Maintenance (40 CFR 270.30(e))

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate

funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the Permit.

VI. Permit Actions (40 CFR 270.30(f))

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition.

VII. Property Rights (40 CFR 270.30(g))

This Permit does not convey any property rights of any sort, or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations.

VIII. Duty to Provide Information (40 CFR 270.30(h))

The Permittee shall furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this Permit.

IX. Inspection and Entry (40 CFR 270.30(i))

The Permittee shall allow Department employees, upon the presentation of credentials and other documents as may be required by law, to:

- A. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;

- B. Have access to and copy at reasonable times any records that must be kept under the conditions of this Permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- D. Sample or monitor at reasonable times for the purpose of assuring Permit compliance or as otherwise authorized by Sections 260.350 through 260.434, RSMo, any substances or parameters at any location.

X. Monitoring and Records (40 CFR 270.30(j))

- A. Samples and measurements taken for the purpose of monitoring, or required for compliance shall be sufficient to yield data which are representative of the monitored activity. The accompanying approved engineering plans, specifications and operating procedures and applicable Special and Corrective Action Permit conditions specify the type, intervals and frequency of sampling.
- B. The Permittee shall retain records of all monitoring information including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for the Permit for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- C. Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements;

2. The individual(s) who performed the sampling measurements;
3. The date(s) analyses were performed;
4. The individual(s) who perform the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

XI. Signatory Requirements (40 CFR 270.30(k))

All applications, reports, or information submitted to the Director shall be signed and certified as provided in 40 CFR 270.11.

XII. Reporting Requirements (40 CFR 270.30(l))

- A. Planned changes. The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Alterations or additions may require changes to the Permit under 40 CFR Part 270 Subpart D and 10 CSR 25-8.
- B. Anticipated noncompliance. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements. Certain changes to the facility may require Permit modifications under 40 CFR Part 270 Subpart D and 10 CSR 25-8. For a new facility, the Permittee may not treat, store or dispose of hazardous waste and for a facility being modified, the Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility, until:
 1. The Permittee has submitted to the Director by certified mail or hand delivery a letter signed by the Permittee and a registered professional engineer licensed in the state of Missouri stating that the facility has been constructed or modified in compliance with the Permit; and
 2. The Director has inspected the modified or newly constructed facility and finds it is in

compliance with the conditions of the Permit; or within 15 days of the date of submission of the letter in Standard Condition XII.B.I. of this Permit, the Permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste under the Permit.

- C. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this Permit.
- D. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than 14 days following each schedule date.
- E. Twenty-four hour reporting: The Permittee shall report any noncompliance which may endanger health or the environment to the Department at (573) 634-2436 within 24 hours from the time the Permittee becomes aware of the circumstances. Included in this report would be information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies, air quality, and any information of a release or discharge of hazardous waste from, or of a fire or explosion at the hazardous waste management facility which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:
 - 1. Name, address, and telephone number of the owner/operator;
 - 2. Name, address, and telephone number of the facility;
 - 3. Date, time, and type of incident;
 - 4. Name and quantity of material(s) involved;
 - 5. The extent of injuries, if any;

6. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
7. Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission to Department's Environmental Services Program with a copy to the Department's Hazardous Waste Program, shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Director may waive the five-day written notice requirement in favor of a written report within 15 days of the noncompliance.

- F. Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within 15 days, the Permittee must submit a letter report, including a copy of the manifest, to the Director, as provided in 40 CFR 264.72. All efforts to reconcile manifest discrepancies shall be kept in the facility operating record.
- G. Unmanifested waste report. This report must be submitted to the Director within 15 days of receipt of unmanifested waste, as provided in 40 CFR 264.76.
- H. Biennial report. A biennial report shall be submitted covering facility activities during even numbered calendar years, as provided in 40 CFR 264.75.
- I. Other noncompliance. The Permittee shall report all instances of noncompliance not reported under Standard Permit Conditions XII.C. and D. of this Permit at the time monitoring reports are

submitted. The reports shall contain the information listed in Standard Condition XII.E. of this Permit.

- J. Other information. Where the Permittee becomes aware that it failed to submit any relevant facts in a Permit application, or submitted incorrect information in a Permit application or in any report to the Director, it shall promptly submit such facts or information.

XIII. Financial Requirements (40 CFR Part 264 Subpart H and 10 CSR 25-7.264(H))

The Permittee shall comply with the financial requirements of 40 CFR Part 264 Subpart H, and 10 CSR 25-7.264(2)(H) and any other financial requirements contained in this Permit.

XIV. Transfers [(40 CFR 270.40 and 10 CSR 25-7.270(2)(D))]

- A. This Permit may be transferred by the Permittee to a new owner or operator only if the Permit has been modified or revoked and reissued [under Standard Permit Condition XIV.B. of this Permit or 40 CFR 270.41(b)(2)] to identify the new Permittee and incorporate such other requirements as may be necessary under the Missouri Hazardous Waste Management Law.
- B. Changes in the ownership or operational control of the facility may be made as a Class I modification with prior written approval of the Director in accordance with 10 CSR 25-7.270(2)(D) and 40 CFR 270.42. The new owner or operator shall submit a revised Permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of Permit responsibility between the Permittee and the new owner or operator shall also be submitted to the Director. When a transfer of ownership or operational control occurs, the Permittee shall comply with the requirements of 40 CFR Part 264 Subpart H and 10 CSR 25-7.264(2)(H) (Financial Requirements) until the new owner or operator has demonstrated that he or she is complying with the requirements of that subpart. The new owner or operator shall demonstrate compliance with

financial requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the Director by the new owner or operator of compliance with the financial requirements, the Director of the Department shall notify the Permittee that he or she no longer needs to comply with financial requirements as of the date of the demonstration.

- C. In addition to the requirements of the Standard Permit Condition XIV.B. of this Permit, the Department shall determine, in accordance with 10 CSR 25-7.270(2)(H), whether the proposed owner or operator, including an officer or management employee of the proposed owner or operator, is a "person" as defined in Sections 260.379, and/or 260.395.16, RSMo, and whether any of the conditions specified in Section 260.395.17., RSMo, would exist if the proposed transfer were to take place. The proposed owner or operator shall submit the information required in 10 CSR 25-7.270(2)(H) with the revised Permit application no later than 90 days prior to the scheduled change.

GENERAL PERMIT CONDITIONS

I. Design and Operation of Facility (40 CFR 264.31)

The Permittee shall design, construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment. This includes adherence to operating conditions and procedures, and emergency shutdown procedures specified in the Permit application and in this Permit.

II. Required Notice (40 CFR 264.12)

- A. The Permittee shall notify the Director in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source. Notice of subsequent shipments of the same waste from the same foreign source is not required.
- B. When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), the Permittee shall inform the generator in writing that the Permittee has the appropriate Permits for, and will accept, the waste the generator is shipping. The Permittee shall keep a copy of this written notice as part of the operating record.
- C. Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the Permittee shall notify the Department and the new owner or operator. He must also notify the new owner or operator in writing of the requirements of 10 CSR 25-7.

III. Security (40 CFR 264.14)

The Permittee shall comply with the security provisions of 40 CFR 264.14(b) and (c), and 40 CFR 264.117(b).

- A. The Permittee shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the plant site.

An artificial or natural barrier which completely surrounds the plant site, and a means to control entry through gates or other entrances to the active portion of the facility, shall be maintained at all times.

- B. In addition, the Permittee shall post signs bearing the legend "Danger - Unauthorized Personnel Keep Out" at each entrance to the active portion of the hazardous waste storage facility and at other locations in sufficient numbers to be seen from any approach to this site. This legend must be written in English and must be legible from a distance of at least 25 feet.
- C. The Permittee shall advise the Department if unauthorized entry occurred at the facility which caused hazardous waste to be discharged, the nature of problems, if any, that resulted from this occurrence and the action taken by the facility to prevent future occurrences. This includes any tampering, destruction, or loss at the facility, which caused release of hazardous waste.

IV. General Inspection Requirements (40 CFR 264.15)

- A. The Permittee shall inspect the facility, as per the inspection schedule and checklists in the approved Permit application, for malfunctions and deterioration, operator errors and discharges which may be causing, or may lead to, release of hazardous waste constituents to the environment, or a threat to human health.
- B. The Permittee shall follow the approved inspection schedule in the approved Permit application for the inspection of monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that are important to preventing, detecting, or responding to environmental or human health hazards. The Permittee shall keep this schedule at the facility.
- C. The Permittee shall remedy any observed deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not

lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken promptly.

- D. The Permittee shall record inspections in an inspection log or summary. The log or summary shall be kept for at least three years from the date of inspection. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

V. Personnel Training (40 CFR 264.16)

- A. Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the Permit. The Permittee shall ensure that this program includes all the elements described in the Personnel Training Program outline.
- B. This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
- C. Facility personnel shall successfully complete the training program within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. New employees shall not work in unsupervised positions until they have completed the training program.
- D. Facility personnel shall take part in an annual review of the initial training program. This training shall take place during or before the anniversary month of the previous annual training review.

- E. The Permittee shall maintain at the facility the training documents and records required by 40 CFR 264.16(d) for the time periods described in 40 CFR 264.16(e).

VI. Location Standards (40 CFR 264.18)

The facility is considered to be located in compliance with the seismic standard and out of the 100-year floodplain; thus, no Permit conditions are needed with respect to location standards.

VII. Preparedness and Prevention (40 CFR Part 264 Subpart C)

- A. The facility shall maintain the emergency equipment described in the Part B Permit Application, dated June 1995.
- B. Testing and maintenance of equipment (40 CFR 264.33). The Permittee shall test and maintain the equipment specified in General Condition VII.A. of this Permit as necessary to assure its proper operation in time of emergency.
- C. Access to communications or alarm system (40 CFR 264.34). The Permittee shall maintain personnel access to the communications or alarm system.
 - 1. Whenever hazardous waste is handled, the Permittee shall ensure that all personnel involved in the operation will have immediate access to an internal alarm or emergency communication device, as described in the application, either directly or through visual or voice contact with another employee.
 - 2. If there is ever just one employee on the premises while the facility is operating, this person shall have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio capable of summoning external emergency assistance.

D. Arrangements with local authorities (40 CFR 264.37).

1. The Permittee shall attempt to make the following arrangements with local authorities:
 - a. Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous wastes handled at the facility and associated hazards, places where facility personnel will normally be working, entrances to and roads inside the facility, and possible evacuation routes.
 - b. Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority.
 - c. Agreements with state emergency response teams, emergency response contractors, and equipment suppliers.
 - d. Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illness which could result from fires, explosions, or releases at the facility.
2. Where state or local authorities decline to enter into such arrangements, the Permittee shall document the refusal in the operating record.

VIII. Contingency Plan and Emergency Procedures (40 CFR Part 264 Subpart D)

- A. Implementation of Plan (40 CFR 264.51(b)). The Permittee shall immediately carry out the provisions of the Contingency Plan and follow the emergency procedures described in 40 CFR 264.56 and 10 CSR 25-7.264(2)(D)1. whenever there is a fire,

explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

- B. Content of the Contingency Plan [40 CFR 264.52(c)]. The plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services as required by 40 CFR 264.37.
- C. Copies of Contingency Plan (40 CFR 264.53). The Permittee shall keep a copy of the approved Contingency Plan and all revisions of this plan at the facility, and submit the Contingency Plan and all revisions to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called to provide emergency services.
- D. Amendment of Contingency Plan (40 CFR 264.54).
 - 1. The Permittee shall review, and immediately amend if necessary, the approved Contingency Plan, whenever:
 - a. The facility Permit is revised;
 - b. The plan fails in an emergency;
 - c. The facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
 - d. The list of emergency coordinators changes; or
 - e. The list of emergency equipment changes.
 - 2. Amendments to the Contingency Plan are subject to the applicable Permit modification requirements of 40 CFR Part 270 Subpart D, 10 CSR 25-7.270(2)(D) and 10 CSR 25-8. The

Permittee shall send a copy of the amendments to the Contingency Plan to emergency response agencies at least annually on the anniversary of the date of this Permit.

- E. Emergency Coordinator (40 CFR 264.55). The Permittee shall comply with the requirements of 40 CFR 264.55 concerning the emergency coordinator. The Permittee shall ensure that at all times there will be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. The emergency coordinator must carry out the responsibilities specified in 40 CFR 264.56 and 10 CSR 25-7.264(2)(D) and be thoroughly familiar with all aspects of the facility's Contingency Plan, all operations and activities at the facility, location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the approved Contingency Plan.

IX. Recordkeeping and Reporting (40 CFR Part 264 Subpart E and 10 CSR 25-7.264(2)(E))

- A. Operating Record (40 CFR 264.73 and 10 CSR 25-7.264(2)(E)1.). The Permittee shall keep a written operating record at the facility. The following information, as applicable, shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
1. Summary reports and details of all incidents that require implementation of the Contingency Plan as specified in 40 CFR 264.56(j);
 2. Records and results of inspections as required by 40 CFR 264.15(d) (except these data need be kept only 3 years);
 3. Monitoring, testing, analytical and corrective action data where required by 40 CFR Part 264 Subpart F;

4. All closure cost estimates as required by 40 CFR 264.142 and, for disposal facilities, post-closure cost estimates as required by 40 CFR 264.144;
 5. A complete copy of the final, approved Permit application, including all approved engineering plans, as required by 10 CSR 25-7.264(2)(E)1.E.;
 6. A description and quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by Appendix I of 40 CFR Part 264;
 7. The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each cell or disposal area. For all facilities, this information shall include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;
 8. Records and results of waste analyses performed as specified in 40 CFR 264.13 and 17;
 9. Notices to generators as required by 40 CFR 264.12(b); and
 10. A certification by the Permittee at least annually, that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that the Permittee generates to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage or disposal that is the practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment.
- B. Manifests (40 CFR 264.71). If the facility receives hazardous waste accompanied by a manifest, the Permittee, or his agent, shall:

1. Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;
 2. Note any significant discrepancies in the manifest [as defined in (40 CFR 264.72(a))] on each copy of the manifest;
 3. Immediately give the transporter at least one copy of the signed manifest;
 4. Within 30 days after the delivery, send a copy of the manifest to the generator;
 5. Retain at the facility a copy of each manifest for at least three years from the date of delivery;
 6. Whenever a shipment of hazardous waste is initiated from the facility, the Permittee shall comply with the generator requirements in 10 CSR 25-5.262 and 40 CFR Part 262. [40 CFR 264.71(c)]; and
 7. If the facility receives hazardous waste from a rail or water transporter, the Permittee must comply with the manifest requirements in 40 CFR 264.71(b).
- C. Annual report (10 CSR 25-7.264(2)(E)3.). The Permittee must submit to the Department the most recent closure and post-closure cost estimates for the previous year annually by March 1.
- D. Availability, retention, and disposition of records (40 CFR 264.74). All records, including plans, required by this Permit must be furnished upon request and made available at all reasonable times for inspection by Department employees. Records are to be retained for a minimum of three years. The retention period for all records required by this Permit is extended automatically during the course of any unresolved enforcement action pertaining to the environment regarding the facility or as requested by the Director. The Permittee shall maintain at the facility the

following documents and amendments, revisions, and modifications to these documents as specified below:

1. Personnel training documents and records as required by 40 CFR 264.16;
2. Contingency Plan as required by 40 CFR 264.53;
3. Post-Closure Plan as required by 40 CFR 264.118;
4. Operating record as required by General Permit Condition IX.A.;
5. Inspection schedules as required by 40 CFR 264.15;
6. Waste Analysis Plan as required by 40 CFR 264.13;
7. Closure Plan as required by 40 CFR 264.112;
8. Cost estimates for facility closure as required by 40 CFR 264.142 and for facility post-closure as required by 40 CFR 264.144; and
9. A copy of records of waste disposal locations and quantities under 40 CFR 264.73(b)(2) must be submitted to the Director and local land authority upon closure of the facility.

X. Post-Closure Notices (10 CSR 25-7.264(2)(G) and 40 CFR 264.119)

The Permittee must comply with all applicable provisions in 10 CSR 25-7.264(2)(G) and 40 CFR 264.119.

XI. Health Profile (10 CSR 25-7.264(2)(P))

The facility is permitted as a storage facility only and is not required to comply with the health profile requirements.

XII. General Waste Analysis (40 CFR 264.13)

The Permittee shall follow the procedures described in the Waste Analysis Plan in the final approved Permit

application. Waste analyses shall comply with the requirements of 40 CFR 264.13 and 40 CFR 264.17.

XIII. General Requirements for Ignitable, Reactive, or Incompatible Waste (40 CFR 264.17(a))

- A. The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions, sunlight), and radiant heat. While ignitable or reactive waste is being handled, the Permittee shall confine smoking and open flame to specially designated locations. "No Smoking" signs will be conspicuously placed wherever there is a hazard from ignitable or reactive waste.
- B. The Permittee shall document compliance with the requirements of 40 CFR 264.17(a) and (b) as outlined in 40 CFR 264.17(c).
- C. Required aisle space (40 CFR 264.35). The Permittee shall maintain aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of the facility in an emergency situation.

XIV. Closure (40 CFR Part 264 Subpart G)

- A. Performance Standard (40 CFR 264.111). The Permittee shall close the hazardous waste management units referenced in this Permit as required by 10 CSR 25-7.264(2)(G) and 40 CFR 264.111 and in accordance with the approved Closure Plan. The permitting of any additional hazardous waste management units at this facility will require closure plans as addressed in 10 CSR 25-7.270 and 40 CFR 270.14(b)(13).

B. Closure Plan (40 CFR 264.112).

1. A copy of the approved Closure Plan and all revisions to the Closure Plan shall be kept at the facility until closure is completed and certified by the Permittee and by an independent registered professional engineer licensed in the state of Missouri.
2. The Closure Plan may be amended at any time during the active life of the facility (the active life of the facility is that period during which wastes are periodically received). The Permittee shall amend the plan whenever changes in operating plans or facility design affect the Closure Plan, or whenever there is a change in the expected year of closure. The Permittee shall submit a written request for a Permit modification including a copy of the amended Closure Plan for approval at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the Closure Plan.
3. Amendments to the Closure Plan are subject to the Permit modification requirements of 40 CFR 270.41 and 270.42.

C. Notification of Closure (40 CFR 264.112(d)). The Permittee shall notify the Director at least 45 days prior to the date he expects to begin closure.

D. Time Allowed for Closure (40 CFR 264.113). Within 90 days after receiving the final volume of hazardous wastes at a hazardous waste management unit, the Permittee must treat, remove from the facility, or dispose of on-site, all hazardous wastes in accordance with the approved closure plan. The Permittee shall complete partial or final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous wastes at the hazardous waste management unit. The Director may approve extensions to this schedule in accordance with 10 CSR 25-7.264(2)(G) and 40 CFR 264.113.

- E. Disposal or Decontamination of Equipment (40 CFR 264.114). The Permittee shall decontaminate and/or dispose of all hazardous waste management unit equipment as required by 40 CFR 264.114 and the Closure Plan in the approved Permit application.
- F. Certification of Closure (40 CFR 264.115). Within 60 days of completion of closure, the Permittee shall submit to the Director, certification both by the Permittee and by an independent registered professional engineer licensed in the state of Missouri, that the hazardous waste management unit has been closed in accordance with the specifications in the approved Closure Plan.

XV. Cost Estimate for Facility Closure (40 CFR 264.142)

The Permittee's closure cost estimate, prepared in accordance with 40 CFR 264.142(a), is specified in the final approved Permit application.

- A. Inflation adjustments in the closure cost estimate shall be made within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 40 CFR 264.143. The annual inflation adjustment of the closure cost estimate is not subject to the Permit modification requirements of 40 CFR Part 270.
- B. If a change in the Closure Plan increases the cost of closure, the Permittee shall revise the closure cost estimate no later than 30 days after the Director has approved a request to modify the closure plan.

This type of revision is subject to the Permit modification requirements of 40 CFR 270.41 and 270.42.

- C. The Permittee shall keep at the facility the latest adjusted closure cost estimate as required by 40 CFR 264.142(d).

XVI. Financial Assurance for Facility Closure
(40 CFR 264.143)

The Permittee shall demonstrate continuous compliance with 40 CFR 264.143 by providing documentation of

financial assurance as required by 40 CFR 264.149 and/or 264.151, in the amount and manner required by 10 CSR 25-7.264(2)(H) and 40 CFR 264.143.

XVII. Liability Requirements (40 CFR 264.147)

The Permittee shall demonstrate continuous compliance with the requirements of 40 CFR 264.147 and the documentation requirements of 40 CFR 264.149 and 264.151, including the requirements to have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars per occurrence with an annual aggregate of at least two million dollars, exclusive of legal defense costs. Pursuant to 40 CFR 264.147(d) and 10 CSR 25-7.264, the Director may adjust the level of financial responsibility.

XVIII. Incapacity of Owners or Operators, Guarantors or Financial Institutions (40 CFR 264.148)

The Permittee shall comply with 40 CFR 264.148 whenever necessary.

XIX. Land Disposal Restrictions (LDR) (10 CSR 25-7.268)

In addition to the LDR requirements outlined in Part II of this Permit, the Permittee shall comply with all regulations concerning the land disposal restrictions implemented under state authority as contained in 10 CSR 25-7.268. The Permittee shall comply with all future requirements or regulations which implement the land disposal prohibitions as applicable to this facility and as required by federal law. In short, the Permittee shall comply with all present and future land disposal prohibitions unless: 1) the applicable treatment standard is met; 2) the waste is exempt under 40 CFR 268.1(c); 3) any other exemption under 40 CFR Part 268 applies; or 4) the requirement is not applicable to this facility.

XX. Notification of an Emergency Situation (Chapter 260.505.4, RSMo.)

The Permittee shall at the earliest practical moment upon discovery of an emergency involving the hazardous waste under their control, notify the department's emergency response hotline at (573) 634-2436 and the National Response Center.

SPECIAL PERMIT CONDITIONS

I. Storage in Containers

A. Waste Identification.

The only hazardous wastes that the Permittee may store are those listed below. These hazardous wastes shall be stored in containers subject to the terms of this permit.

D001	D006	D011	F002	F008
D002	D007	D035	F003	F009
D003	D008	D039	F005	F019
D004	D009	D040	F006	----
D005	D010	F001	F007	----

**B. Design and Operating Requirements 10 CSR
25-7.264(2)(I).**

1. **Waste Quantities.** The maximum inventory of wastes that may be stored at each hazardous waste container storage area is below, unless otherwise provided in this Permit.
 - a. **Storage Area 1:** The total capacity of the acid/alkali section shall not exceed 168 55-gallon containers or 9,240 gallons. The total capacity of the solvent/oil section shall not exceed 280 55-gallon drums or 15,400 gallons.
 - b. **Storage Area 2:** The total capacity of Storage Area 2, containing alkaline sulfide/alkaline cyanide solutions and solids, shall not exceed 28 55-gallon containers or 1,540 gallons.
2. **Condition of Containers** [40 CFR 264.171, 10 CSR 25-7.264(2)(I)2., 10 CSR 25-7.262(2)(C) and 40 CFR 262.32].
 - a. Any container with hazardous waste contents that is not in good condition (e.g., severe

rusting, apparent structural defects, and such like) or found leaking shall have its contents transferred to a container that is in good condition.

- b. Containers shall be labeled following the applicable, currently-effective U.S. Department of Transportation (DOT) regulations regarding hazardous materials during the entire period the containerized hazardous waste is in storage on-site.
- 3. Compatibility of Waste with Containers [40 CFR 264.172].
 - a. The Permittee shall use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored therein, so that the ability of the container to contain the hazardous waste is not jeopardized.
 - b. Each container shall be packaged following the applicable currently-effective DOT regulations regarding hazardous materials pursuant to 49 CFR Part 172 during the entire period the containerized hazardous waste is in storage on-site.
- 4. Management of Containers [40 CFR 264.173].
 - a. Containers shall be managed in rows within the storage rooms in an orderly arrangement. Appropriate aisle spaces between rows must be observed. Every container must be accessible to emergency equipment. Every container must be adjacent to a row and the marking and labelling of each container must be visible from the aisle. Containers shall be managed according to all other applicable provisions of this Permit. All containers in the container storage areas, including the staging area, shall be stored on pallets. Containers shall not be stacked. All container storage rooms shall have a minimum of three inch curbing.

- b. Any container holding a hazardous waste shall always be closed during storage unless it is necessary to add or remove waste. A container holding hazardous waste shall not be opened, handled, or stored in a way that may rupture the container or cause it to leak.
- 5. Inspections (40 CFR 264.174). The Permittee shall inspect container storage rooms according to the weekly inspection schedules in Section 6.0 of the approved Permit application. These inspections shall check for leaking containers and for deterioration of containers and the containment system caused by corrosion and other factors.
 - a. Inspection of the containerized pallets for storing alkaline wastes shall be added to the inspection list. This inspection shall include checking the integrity of the alkaline waste containers and the container pallets, in order to prevent any alkaline waste contacting acid waste containers.
- 6. Containment (40 CFR 264.175). The Permittee shall design and operate containment systems for the container storage areas according to the approved Permit application.
 - a. A base shall underlie the container storage areas that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the detection and collection of such material. Likewise, the integrity of the sumps shall be maintained so that they may properly collect any material that drains into them.
 - b. The Permittee shall elevate all types of waste containers stored in the container storage areas and all staging areas by use of pallets or other means to prevent any direct contact of the waste containers and the floor. Alkaline wastes shall, at all times, be stored on container pallets in order to prevent any contact with acid wastes.

- c. The containment system shall have sufficient capacity to contain ten percent of the volume of the maximum number of containers allowed.
 - d. The run-on of precipitation into the containment system of any container storage area shall be prevented.
 - e. Spilled or leaked waste and any accumulated precipitation shall be removed from the collection area in as timely a manner as is necessary to prevent exposure of employees, volatilization of waste and overflow of the collection system.
7. Special Requirements for Ignitable or Reactive Waste [40 CFR 264.176 and 10 CSR 25-7.264(2)(I)].
- a. The Permittee shall comply with requirements specified in 10 CSR 25-7.264(2)(I)4 for the storage and bulking of containers that contain ignitable or reactive waste and keep all wastes at least 50 feet from the facility property line. The Permittee has addressed these requirements in Section 14.8 and Figure 3-5 of the approved Permit application.
8. Special Requirements for Incompatible Wastes (40 CFR 264.177).
- a. The Permittee shall not place incompatible wastes or incompatible wastes and materials in the same container unless such action complies with 40 CFR 264.17(b).
 - b. The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material.
 - c. The Permittee shall separate by a device (i.e., a dike or other physical means) containers of incompatible waste or materials. No incompatible waste or materials may be stored together in the

storage areas without providing separation sufficient to prevent the mixing of any spilled materials that may be incompatible. Alkaline wastes shall be kept on container pallets to prevent mixing with acid wastes. The Permittee shall follow container management practices described in section 14.0 of the approved Permit application.

9. Closure [40 CFR 264.178, 10 CSR 25-7.264(2)(G), 10 CSR 25-7.264(2)(N)1.A., 40 CFR Part 264 Subpart N].
 - a. At closure, the Permittee shall remove all hazardous wastes and hazardous waste constituents from the container storage areas and containment systems and close according to the Closure Plan in the approved Permit application.
 - b. If the Permittee finds that not all hazardous wastes and hazardous waste constituents can be practicably removed or decontaminated as required by Special Permit Condition II.9.a. above, then the Permittee shall close the container storage areas according to the post-closure requirements that apply to landfills. Those container storage rooms which the Permittee intends to close without removing the hazardous wastes shall meet the requirements of 10 CSR 25-7.264(2)(N)1.A. and 40 CFR Part 264 Subpart N. If the site location for these container storage areas cannot meet the site-specific location requirements and contamination exists, then the Permittee shall clean up contaminated residues and hazardous constituents to the greatest extent practicable during closure. If the MDNR determines based on the potential impact to human health and the environment that it is neither necessary nor feasible to remove contaminated material from a site to meet the closure performance standard, then the Permittee shall comply with 40 CFR 264.310 or shall submit a delisting petition and obtain approval from the EPA for that delisting

petition pursuant to 40 CFR 260.20 and
40 CFR 260.22 for the contaminated material
not removed during closure.

II. Modifications [40 CFR 270.42 and 10 CSR 25-7.270(2)(D)]

All modifications to Part I of this Permit at the request of the Permittee shall be submitted according to 40 CFR 270.42, 10 CSR 25-7.270(2)(D) and the provisions of this Permit. Any modification the Permittee desires to make to Part I of this Permit shall require the submission of the appropriate documentation to the Director of the Department. A copy shall be sent to the Department's St. Louis Regional Office and to the U.S. EPA Region VII office.

III. Waste Minimization

- A. Pursuant to 40 CFR 264.73(b)(9), the Permittee shall prepare, at least annually, a waste minimization certification. This certification and all accompanying documentation shall be included in the operating record. It shall include all waste minimization activities planned and/or implemented during the previous calendar year.
- B. This certification shall specify that the Permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the facility's operation to the degree determined by the Permittee to be economically practicable; and that the proposed method of treatment, storage or disposal is the practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment.

CORRECTIVE ACTION CONDITIONS

I. Identification of Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) [40 CFR 264.101]

- A. The EPA has conducted a RCRA Facility Assessment (RFA) to identify and gather information on releases or potential releases from any SWMU at the facility. Review of the final RFA report dated August 14, 1995, has identified 5 individual SWMUs requiring further investigation and/or remediation. These units are depicted in Figures 1-4 and are listed as follows:
1. SWMU #10-Current Waste Oil Tank, Building 5.
 2. SWMU #17-Perchloroethylene Transfer Area, Building 51.
 3. SWMU #31-Maintenance Shop Waste Oil Tank, Building 22.
 4. SWMU #26-Former Less-Than-90-Day Storage Area, Building 40.
 5. SWMU #21-Industrial Wastewater Treatment Plant Tanks, S-1, S-2, S-3, S-4, and E-1, E-2, E-3.
- B. This Permit requires the Permittee to conduct further investigation(s) and/or take corrective action as deemed appropriate by the Department for any releases or potential releases at the facility as specified in Corrective Action Conditions II. and III.

II. Notification Requirements for, and Assessment of, Newly-identified SWMU(s) and Areas of Concern (AOCs)

- A. The Permittee shall notify the Department and EPA in writing of any SWMU(s) or AOC(s) identified subsequent to the issuance of this Permit no later than 15 days after discovery.
- B. The Department may require a SWMU/AOC Assessment Work Plan for conducting an investigation of any newly-identified SWMU(s) or AOC(s). Within 30 days after receipt of the Department's request for a

SWMU/AOC Assessment Work Plan, the Permittee shall submit a SWMU/AOC Assessment Work Plan which shall include a discussion of past waste management practices at the unit, as well as a sampling and analysis program for groundwater, land surface and subsurface strata, surface water and/or air, as necessary to determine whether a release of hazardous waste, including hazardous constituents, from such unit(s) has occurred, or is occurring. The sampling and analysis program shall be capable of yielding representative samples and must include monitoring parameters sufficient to assess the release of hazardous waste and/or hazardous constituents from the newly-identified SWMU(s)/AOC(s) to the environment. The SWMU/AOC Assessment Work Plan shall specify any data to be collected to provide for a complete SWMU/AOC Assessment Report, as specified below.

- C. The SWMU/AOC Assessment Work Plan will be reviewed in accordance with the procedures set forth in Review and Approval Procedures, Condition XIII. Upon approval thereof by the Department, the Permittee shall initiate implementation of said plan within 60 days of Departmental approval and shall complete implementation in accordance with the schedule contained in the approved plan.
- D. The Permittee shall submit a SWMU/AOC Assessment Report to the Department and EPA according to the schedule specified in the approved SWMU/AOC Assessment Work Plan. The SWMU/AOC Assessment Report shall present and discuss the information obtained from implementation of the approved SWMU/AOC Assessment Work Plan. At a minimum, the SWMU/AOC Assessment Report shall provide the following information for each newly-identified SWMU/AOC:
 - 1. The location of the newly-identified SWMU/AOC in relation to other SWMUs/AOCs;
 - 2. The type and function of the unit;
 - 3. The general dimensions, capacities, and structural description of the unit;
 - 4. The period during which the unit was operated;

5. The physical and chemical properties of all wastes that have been or are being managed at the SWMU/AOC, to the extent available;
6. The results of any sampling and analysis conducted;
7. Past and present operating practices;
8. Previous uses of area occupied by the SWMU/AOC;
9. Amounts of waste handled; and
10. Drainage areas and/or drainage patterns near the SWMU(s)/AOC(s).

- E. The SWMU/AOC Assessment Report will be reviewed in accordance with the procedures set forth in Corrective Action Condition XIII. Based on the findings of this report, the Department will determine the need for further investigations, including stabilization or a RCRA Facility Investigation (RFI), at specific unit(s) identified in the SWMU/AOC Assessment Report.
- F. If the Department determines that additional investigations are needed, the Department may require the Permittee to prepare and submit for approval a Work Plan for such investigations. This Work Plan for additional investigations will be reviewed in accordance with the procedures set forth in Corrective Action Condition XIII. Upon approval thereof by the Department, the Permittee shall initiate implementation of said plan within 60 days of receipt of Departmental approval and shall complete implementation in accordance with the schedule contained in the approved plan.

III. Notification Requirements for, and Assessment of, Newly-identified Releases From Previously Identified SWMUs or AOCs

- A. The Permittee shall notify the Department and EPA, in writing, of any release(s) of hazardous waste, including hazardous constituents, from a previously identified SWMU or AOC which is discovered during

the course of groundwater monitoring, field investigation, environmental auditing, or other activities undertaken after issuance of this Permit, no later than 15 days after discovery. Previously identified SWMUs or AOCs are units which are listed in the Permittee's Part B application and/or the RCRA Facility Assessment dated August 14, 1996.

- B. The Department may require a Newly-Identified Release Work Plan for conducting an investigation of the newly-identified release(s) from a previously identified SWMU or AOC. Within 30 days after receipt of notice that the Department requires a Newly-Identified Release Work Plan, the Permittee shall submit a Newly-Identified Release Work Plan which shall include a discussion of the waste/chemical management practices related to the release; a sampling and analysis program for groundwater, land surface and subsurface strata, surface water or air, as necessary to determine whether the release poses a threat to human health or the environment; and a proposed schedule for implementation and completion of the Newly-Identified Release Work Plan. The sampling and analysis program shall be capable of yielding representative samples and must include monitoring parameters sufficient to assess the release of hazardous waste and/or hazardous constituents to the environment. The Newly-Identified Release Work Plan shall specify any data to be collected to provide for a complete Newly-Identified Release Report, as specified below.
- C. The Newly-Identified Release Work Plan will be reviewed in accordance with the procedures set forth in Corrective Action Condition XIII. Upon approval thereof by the Department, the Permittee shall initiate implementation of said plan within 60 days of Departmental approval and shall complete implementation in accordance with the schedule contained in the approved plan.
- D. The Permittee shall submit a Newly-Identified Release Report to the Department and EPA according to the schedule specified in the approved Newly-Identified Release Work Plan. The Newly-Identified Release Report shall present and discuss the

information obtained during implementation of the approved Newly-Identified Release Work Plan. At a minimum, the report shall provide the following information for each newly-identified release:

1. The location of the newly-identified release in relation to other SWMU(s);
 2. The general dimensions of the release;
 3. The period during which the release is suspected to have occurred;
 4. The physical and chemical properties of all wastes that have been determined to comprise the release;
 5. The results of any sampling and analysis conducted;
 6. Past and present operating practices near and at the location of the release;
 7. Previous uses of the area(s) occupied near and at the location of the release;
 8. Amounts of waste handled near and at the location of the release; and
 9. Drainage areas and/or drainage patterns near and at the location of the release.
- E. The Newly-Identified Release Report will be reviewed in accordance with the procedures set forth in Corrective Action Condition XIII. Based on the findings of the report and any other available information, the Department will determine the need for further investigation, including stabilization or a RCRA Facility Investigation.

IV. Stabilization

A. Interim Measures (IM) Work Plan.

Within 45 days of the effective date of this Permit the Permittee shall submit an Interim Measures (IM) Work Plan to the Department and EPA to address specific stabilization alternatives at the

facility. Four SWMUs have been identified as requiring stabilizing interim measures at the facility. These units are:

SWMU #28, Leaking Transformer, Building 6

SWMU #26, Former Less-Than-90-Day Storage Area, Building 40

SWMU #10, Current Waste Oil Tank, Building 5

SWMU #2, Building 2 Paint Booth Satellite Accumulation Drum Area

For all SWMUs, the IM Work Plan shall outline the objectives of the stabilization measures and shall contain a detailed description of the anticipated design, construction, operation, and maintenance requirements; a schedule for design, construction, and monitoring; a detailed description of the operating plans, monitoring program, and procedures for the interim measure; and management procedures for hazardous wastes and/or hazardous constituents recovered as a result of implementing the stabilization measures, as applicable.

1. SWMU #28, Leaking Transformer

The IM Work Plan shall present, discuss, evaluate and propose interim alternatives, as applicable, to address the need for stabilization activities at the Leaking Transformer Unit. This work plan should consist of either eliminating the leak or replacing the transformer, determining whether a concrete pad exists beneath the gravel within the containment area of the SWMU, and, if applicable, a determination of the horizontal and vertical extent of any visibly impacted soils underlying the gravel, including containment, removal and/or other remediation alternatives.

2. SWMU #26, Former Less-Than-90-Day Storage

The IM Work Plan shall specify and document the repair of cracks found within the concrete in the approximate surrounding area of the Former Less-Than-90-Day Storage Area location located near Building 40.

3. SWMU #10, Current Waste Oil Tank

The IM Work Plan shall detail plans for resealing of asphalt around the Current Waste Oil Tank located at Building 5 and present design specifics to increase the secondary containment of the unit to contain a release of a minimum of 100 gallons.

4. SWMU #2, Paint Booth Satellite Accumulation Drum Area

The IM Work Plan shall specify and document the repair of cracks found within the concrete in the approximate surrounding area of the Building 2 Paint Booth Satellite Accumulation Drum Area (SWMU 2).

The IM Work Plan will be reviewed in accordance with the procedures set forth in Corrective Action Condition XIII. Upon approval thereof by the Department, the Permittee shall initiate implementation of said plan(s) within 60 days of Departmental approval and shall complete implementation in accordance with the schedules contained in the approved plan.

B. Interim Measures (IM) Report.

The Permittee shall submit an Interim Measures (IM) Report to the Department and EPA in accordance with the schedule contained in the approved IM Work Plan. The IM Report shall contain a summary of stabilization activities conducted at the facility; an evaluation of the effectiveness of the measure; how the measure is mitigating a potential threat to human health and the environment and/or is consistent with and integrated into any anticipated final remedy for the facility; a detailed description of any long-term operation and maintenance and/or monitoring program associated with the on-going interim measure; or justification for stabilization termination.

C. Additional Stabilization Activities.

1. If the Permittee becomes aware of a situation that may require stabilization measures to protect human health or the environment, the

Permittee shall notify the Department and EPA within 24 hours of the time the Permittee becomes aware or should have become aware of the situation.

2. If during the course of any activity initiated under this Permit, the Permittee or the Department determines that a release or potential release of hazardous waste, including hazardous constituents, poses a threat to human health or the environment, the Department may require stabilization measures to slow or stop the further spread of contamination until final corrective action measures can be implemented. The Department will determine the specific action(s) that must be taken to implement stabilization, including potential Permit modifications and the schedule for implementing the stabilization requirements and will inform the Permittee of decisions regarding the action(s) in writing.
3. If at any time, the Permittee determines that the stabilization program is not effectively limiting or stopping the further spread of contamination, the Permittee shall notify the Department in writing no later than ten days after such a determination is made. The Department may require that the stabilization program be revised to make it effective in limiting or stopping the spread of contamination; or that final corrective action measures are required to remediate the contaminated media.

V. RCRA Facility Investigation (RFI) Work Plan

- A. Within 90 calendar days of the effective date of this Permit the Permittee shall submit a RCRA Facility Investigation (RFI) Work Plan to the Department and EPA to address investigation of the individual SWMUs identified in Corrective Action Condition I.A. The RFI Work Plan shall be designed to investigate releases of hazardous waste, including hazardous constituents, to all appropriate media of concern including soil, sediment, bedrock, groundwater, surface water,

and/or air. In order to substantiate future corrective action decisions, the RFI Work Plan shall contain provisions which are sufficient to meet the following objectives:

1. Full characterization of the nature, vertical and horizontal extent, and rate of migration of releases of hazardous waste and/or hazardous constituents from SWMUs or groups of SWMUs at the facility and the actual or potential receptors of such releases; and
 2. Collection of any other pertinent data which may be utilized to substantiate future corrective action decisions.
- B. The RFI Work Plan shall be appropriate for site-specific conditions and shall be consistent with and address all applicable investigation elements described in the most recent version (currently May 1989) of the EPA guidance document entitled, RCRA Facility Investigation Guidance; EPA 530/SW-89-031. At a minimum, the RFI Work Plan shall detail all proposed activities and procedures to be conducted at the facility, a description of current conditions, the schedule for implementing and completing such investigations, and for submission of reports (including the final RFI Report), the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the RFI.
- C. The RFI Work Plan shall include a Quality Assurance Project Plan (QAPP). The QAPP shall present the policies, organization, objectives, functional activities, and specific quality assurance and quality control activities designed to achieve the data quality goals of the RFI. It shall include the RFI objectives, sampling procedures, analytical methods, field and laboratory quality control samples, chain-of-custody procedures and data review, validation and reporting procedures.
- D. The Permittee shall prepare and maintain a health and safety plan during the project that assures the RFI activities are conducted in a manner that is not harmful to human health or the environment.

- E. Due to the complexity of defining the extent of contamination, the Permittee may be required to use a phased approach which requires the submittal of supplemental RFI Work Plans.
- F. The RFI Work Plan(s) will be reviewed in accordance with the procedures set forth in Corrective Action Condition XIII. Upon approval thereof by the Department, the Permittee shall initiate implementation of said plan(s) within 60 days of Departmental approval and shall complete implementation in accordance with the schedules contained in the approved plan(s).

VI. RCRA Facility Investigation (RFI) Report

- A. The Permittee shall submit a RCRA Facility Investigation (RFI) Report to the Department and EPA in accordance with the schedule contained in the approved RFI Work Plan. The RFI Report shall present all information gathered under the approved RFI Work Plan along with a brief facility description and map showing the property boundary and all SWMUs/AOCs. The information presented in the RFI Report shall be presented in a form that is consistent with Section 5 of the most recent version of the EPA publication entitled, RCRA Facility Investigation Guidance; EPA 530/SW-89-031.
- B. The RFI Report shall provide an interpretation of the RFI information gathered, supported with adequate documentation, to enable the Department to determine whether additional stabilization and/or a Corrective Measures Study may be necessary. The RFI Report shall describe the procedures, methods, and results of all investigations of SWMUs/AOCs and their releases, including but not limited to the following:
 - 1. Characterization of the nature, concentration(s), horizontal and vertical extent and direction/rate of movement of releases from SWMUs/AOCs at the facility;
 - 2. Characterization of the environmental setting of the facility, including:
 - a. Hydrogeological conditions;

- b. Climatological conditions;
 - c. Soil and bedrock characteristics;
 - d. Surface water and sediment quality; and
 - e. Air quality and meteorological conditions.
- 3. Characterization of SWMUs/AOCs from which releases have been or may be occurring, including unit and waste characteristics.
 - 4. Descriptions of human and environmental receptors which are, may have been, or, based on site-specific circumstances, could be exposed to release(s) from SWMUs/AOCs.
 - 5. Information that will assist the Department in assessing risks to human health and the environment from releases from SWMUs/AOCs.
 - 6. Extrapolations of future contaminant movement.
 - 7. Laboratory, bench-scale, pilot-scale and/or appropriate tests or studies to determine the feasibility or effectiveness of treatment technologies or other technologies that may be appropriate in implementing remedies at the facility.
 - 8. Statistical analyses to aid in the interpretation of data.
 - 9. Results of any stabilization measures previously implemented.
- C. The RFI Report will be reviewed in accordance with the procedures set forth in Corrective Action Condition XIII. After review of the RFI Report, if the Department determines that the objectives of the RFI have not been met, the Department may require additional investigation. Upon approval of the RFI Report by the Department, the Department shall advise the Permittee as to the next step in the corrective action process which may include submittal of a Corrective Measures Study (CMS) Work Plan pursuant to Corrective Action Condition VII.

VII. Corrective Measures Study (CMS) Work Plan

- A. If the Department determines that there has been a release of hazardous waste and/or hazardous constituents from a SWMU that may present a threat to human health or the environment, the Department may require a Corrective Measures Study (CMS) and will notify the Permittee in writing of this decision. This notice will identify the hazardous constituent(s) of concern and may specify remedial alternatives to be evaluated by the Permittee during the CMS.
- B. The Department may require the Permittee to evaluate, as part of the CMS, one or more specific potential remedies. These remedies may include a specific technology or combination of technologies that, in the Department's judgment, may be capable of achieving standards for protection of human health and the environment.
- C. The Permittee shall submit a CMS Work Plan to the Department and EPA within 60 days of notification of the requirement to conduct a CMS. The CMS Work Plan shall be consistent with guidance contained in the current version of the EPA document entitled: RCRA Corrective Action Plan; OSWER Directive 9902.3-2A. At a minimum, the CMS Work Plan shall provide the following information:
 1. A description of the general approach to investigating and evaluating potential remedies;
 2. A definition of the specific objectives of the study;
 3. A description of the remedies which will be studied;
 4. A description of those potential remedies which were preliminarily considered, but were dropped from further consideration including the rationale for elimination;
 5. The specific plans for evaluating remedies to ensure compliance with remedy standards;

6. The schedules for conducting the study and submitting a CMS Report;
 7. The proposed format for the presentation of information; and
 8. Laboratory, bench-scale, pilot-scale and/or appropriate tests or studies to determine the feasibility or effectiveness of treatment technologies or other technologies that may be appropriate in implementing remedies at the facility.
- D. The Department will review the CMS Work Plan in accordance with the procedures set forth in Corrective Action Condition XIII. Upon approval thereof by the Department, the Permittee shall initiate implementation of said plan within 60 days of Departmental approval and shall complete implementation in accordance with the schedule contained in the approved plan.

VIII. Corrective Measures Study (CMS) Report

- A. The Permittee shall submit a Corrective Measures Study (CMS) Report to the Department and the EPA according to the schedule contained in the approved CMS Work Plan. The CMS Report shall present all information gathered under the approved CMS Work Plan and shall be consistent with guidance contained in the most current version of the EPA document entitled, RCRA Corrective Action Plan; OSWER Directive 9902.3-2A. The CMS Report shall summarize the results of the investigations for each remedy studied and of any bench-scale or pilot tests conducted. The CMS Report shall include, but not be limited to, the following information:
1. Evaluation of performance, reliability, ease of implementation, and potential impacts of each remedy studied, including safety impacts, cross media impacts, and control of exposure to any residual contamination.
 2. Assessment of the effectiveness of each remedy in achieving adequate control of sources and cleanup of the hazardous waste or hazardous constituents released from the SWMU(s)/AOC(s).

3. Assessment of the time required to begin and complete each remedy.
 4. Estimation of the costs of implementing each remedy.
 5. Recommendation of remedy and rationale for selection.
 6. Assessment of institutional requirements, such as state or local permit requirements, or other environmental or public health requirements which may substantially affect implementation of the remedy.
- B. The CMS Final Report shall contain adequate information to support the Department in the remedy approval decision-making process.
- C. The CMS Final Report will be reviewed in accordance with the procedures set forth in Corrective Action Condition XIII. Upon approval thereof by the Department, the Department will approve a final remedy as specified in Corrective Action Condition IX.

IX. Final Remedy Approval

The Department will approve a final remedy that will:

- 1) be protective of human health and the environment;
- 2) control and/or eliminate the source(s) of contaminants so as to reduce or eliminate, to the maximum extent practicable, further contaminant releases, exposures or migration that might pose a threat to human health and the environment; and 3) meet all applicable federal, state, and local laws and regulations.

Following approval of the final remedy by the Department, a Permit modification will be initiated to require implementation of the approved final remedy, pursuant to 40 CFR 270.41 or 270.42 (c), as applicable.

X. Financial Assurance for Corrective Action

- A. The Permittee shall demonstrate continuous compliance with the financial assurance requirements in effect at that time for corrective

action being performed under state law within 120 days after this Permit has been modified to include a final remedy for any SWMU/AOC or release. This adds to that financial assurance required for the container storage area (land disposal unit) which is already covered by other specific financial assurance requirements contained in this Permit.

The effective financial assurance requirements for corrective action shall be consistent with and/or substantially equivalent to that specified in either final RCRA Subpart S corrective action regulations or 40 CFR Part 264 Subpart H, as incorporated by reference in 10 CSR 25-7.264. The amount of financial assurance shall be based on the Permittee's cost estimate for the approved final remedy as contained in the approved CMS Final Report.

- B. Annually by March 1, the Permittee shall adjust the corrective action cost estimate to account for inflation in accordance with 40 CFR 264.142(b) and any other changes in the costs associated with implementation, operation, maintenance and monitoring of the approved final remedy. If the cost estimate increases, documentation of adequate financial assurance for that increase shall be provided to the Department within 60 days following the increase in the cost estimate.

XI. Quarterly Progress Reports

- A. The Permittee shall submit to the Department and EPA signed Quarterly Progress Reports summarizing all permitted corrective action activities undertaken during each calendar quarter. Each Quarterly Progress Report shall be due within 60 days following the last day of each reporting period (i.e., March 1st, June 1st, September 1st and December 1st).

The first Quarterly Progress Report shall be due within 60 days of the end of the calendar quarter in which this Permit becomes effective. The Quarterly Progress Reports shall continue to be submitted until such time as the Permittee's corrective action activities are complete. The

Quarterly Progress Reports shall include the following information for the time period being reported:

1. A description of the work completed;
 2. Summaries of all findings, including summaries of laboratory data;
 3. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems;
 4. Projected work for the next reporting period; and
 5. Any instances of noncompliance with the corrective action requirements of this Permit not otherwise required to be reported elsewhere in this Permit.
- B. Detailed technical information shall be submitted as part of the IM, RFI, and CMS reports and workplans as required by this Permit. This detailed information need not be reproduced as part of the Permittee's Quarterly Progress Reports.
- C. Copies of other reports (e.g., inspection reports), information or data shall be made available to the Department and EPA upon request.

XII. Supplemental Data

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Permit shall be maintained by the Permittee during the term of this Permit, including the term of any reissued Permits.

XIII. Review and Approval

Following submission of any plan or report pertaining to corrective action activities (excluding the Quarterly Progress Reports), the Department will review and either approve or disapprove the plan or report in writing.

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If the Department does not approve the plan or report, the Department will notify the Permittee in writing of the plan's or report's deficiencies and specify a due date for submittal of a revised plan or report.

If the Department does not approve the revised plan or report, the Department may modify the plan or report and notify the Permittee of the modifications. The plan or report as modified by the Department is the approved plan or report.

XIV. Submittal of Required Information

- A. The Permittee shall submit three copies of all reports, documents, or plans/specifications required under the terms of this Permit to:

Chief, Permits Section
Missouri Department of Natural Resources
Hazardous Waste Program
205 Jefferson Street
P.O. Box 176
Jefferson City, MO 65102

- B. The Permittee shall submit two copies of all reports, documents, or plans/specifications required under the terms of this Permit to:

Chief, RCRA Permitting & Compliance Branch
U.S. Environmental Protection Agency Region VII
Air, RCRA and Toxics Division
726 Minnesota Avenue
Kansas City, KS 66101

TABLE 1. Summary of the planned corrective action submittal requirements pursuant to the Special Conditions of this Permit.

SUBMITTAL REQUIREMENTS	DUE DATE	PERMIT CONDITION
Interim Measures (IM) Work Plan	Within 45 calendar days of the effective date of this Permit	Page 43
Interim Measures (IM) Report	According to the schedule in the IM Work Plan	Page 45
RCRA Facility Investigation (RFI) Work Plan	Within 90 calendar days of the effective date of this Permit	Page 46
RCRA Facility Investigation (RFI) Report	According to the schedule in the RFI Work Plan	Page 48
Corrective Measures Study (CMS) Work Plan	Within 60 calendar days of notice by the Department that a CMS is required	Page 50
Corrective Measures Study (CMS) Report	According to the schedule in the CMS Work Plan	Page 51
Corrective Action Financial Assurance	Within 120 calendar days of modification of this Permit to include a final remedy	Page 53
Quarterly Progress Reports	By March 1st, June 1st, September 1st and December 1st of each calendar year	Page 53

1 Administrative Offices
2 Manufacturing Building
3 Office Annex Building
4 Office Building
5 Boiler House
5A, B Sprinkler System Storage Tank
6 Maintenance Building
7 Gate House
19 Compass Rose
40 Ramp Service Building
41 Chemical Storage Building
42 Production Hangar
43 Ramp Utilities Building
43A, B, C, D Storage Tanks (Ramp H₂O & Air Serv.)
44 Pump House (Fire Protection)
45 Production Hangar
45A, B, F, G Ramp Shelters
45C, D, E, L Hush Houses
45J Radar Cooling Equipment Building
45K Fuel System Work Facility
45L Hush House #4
46 Fuel-Filter Building
48 Ramp Paint Booths
49, 49A Water Check Facility
51 Manufacturing Building
52 Manufacturing Building
53 Boiler House
55 Service Building
55A Storage Building
56 Boiler House

house

Substation

FIGURE 3

Tract I North

FIGURE 2

FIGURE 4

Tract I South

FIGURE 1: FACILITY MAP

MISSOURI DEPARTMENT OF CORRECTIONS

Building No. Description

30, 30A Pedestrian Underpass (West)

32 Office Building

33 Office Building

34 Office Building

39 Chemical Storage Building

211, 214 Guard Shelters

215 Bus Shelter (McDonnell Blvd.)

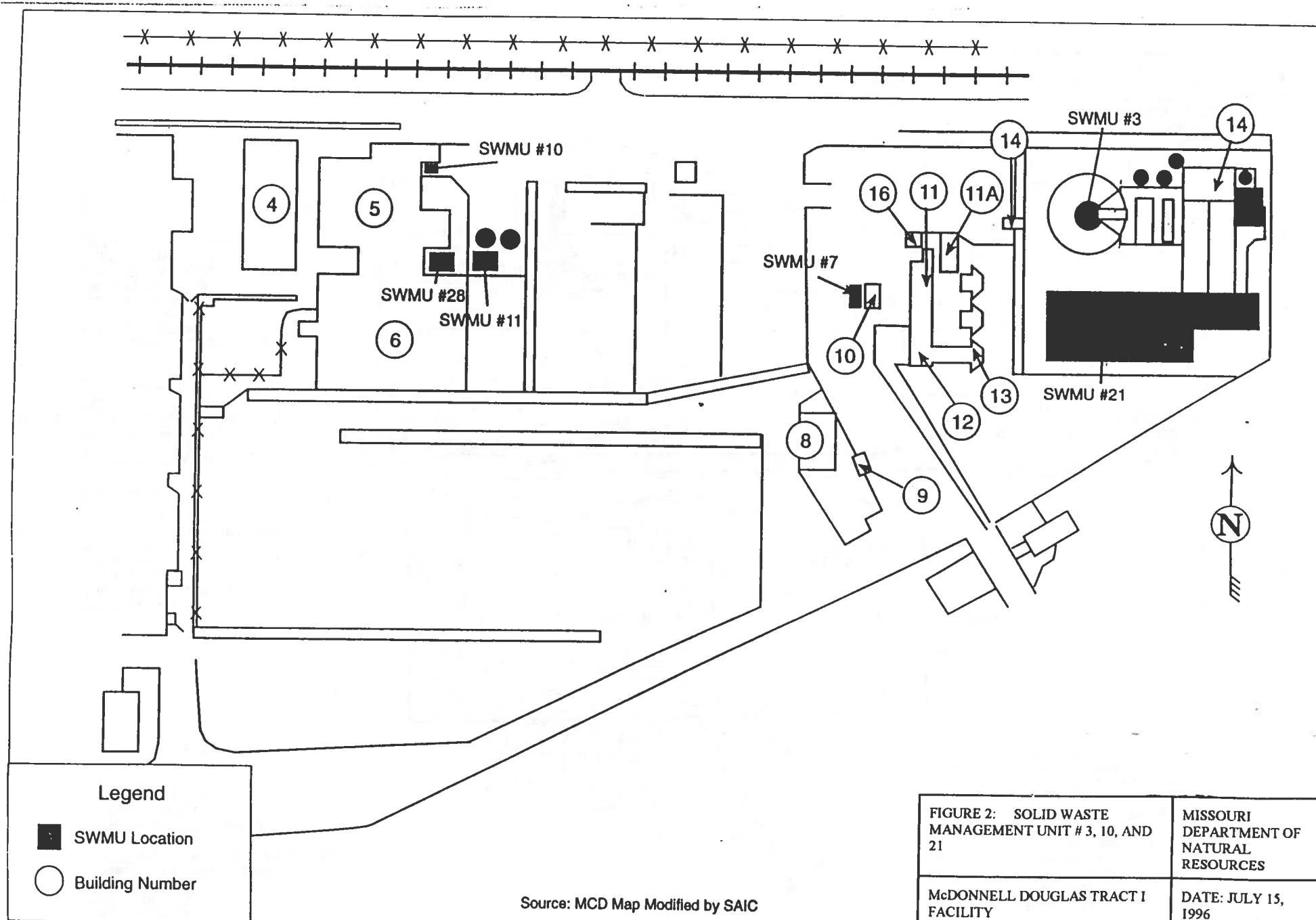
216 Die Storage Rack

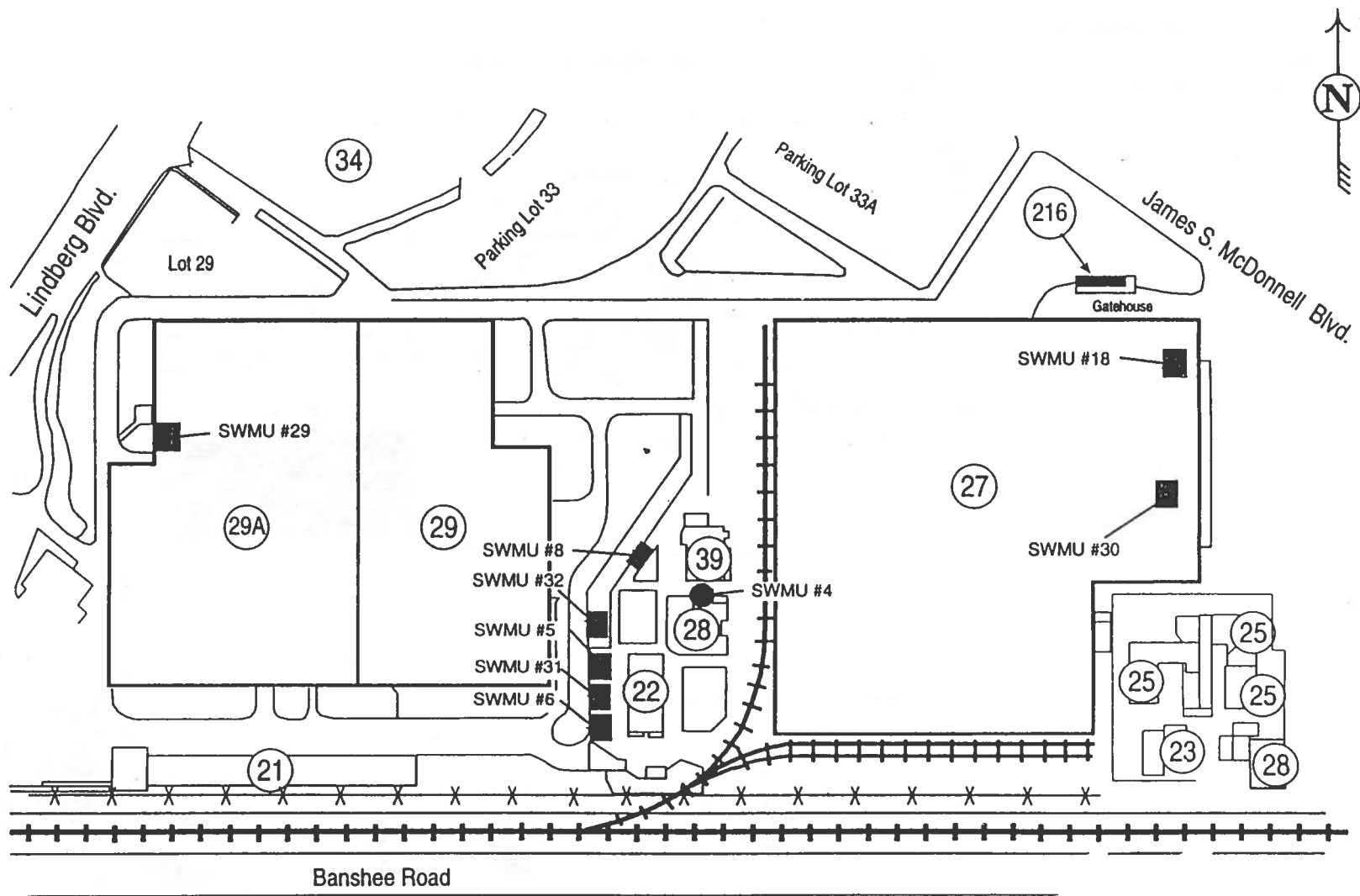
220 Composites Manufacturing

220A Unit Substation

221 Office and Engineering Laboratory

FIGURE 1: FACILITY MAP	MISSOURI DEPARTMENT OF NATURAL RESOURCES
McDONNELL DOUGLAS TRACT I FACILITY	DATE: JULY 15, 1996





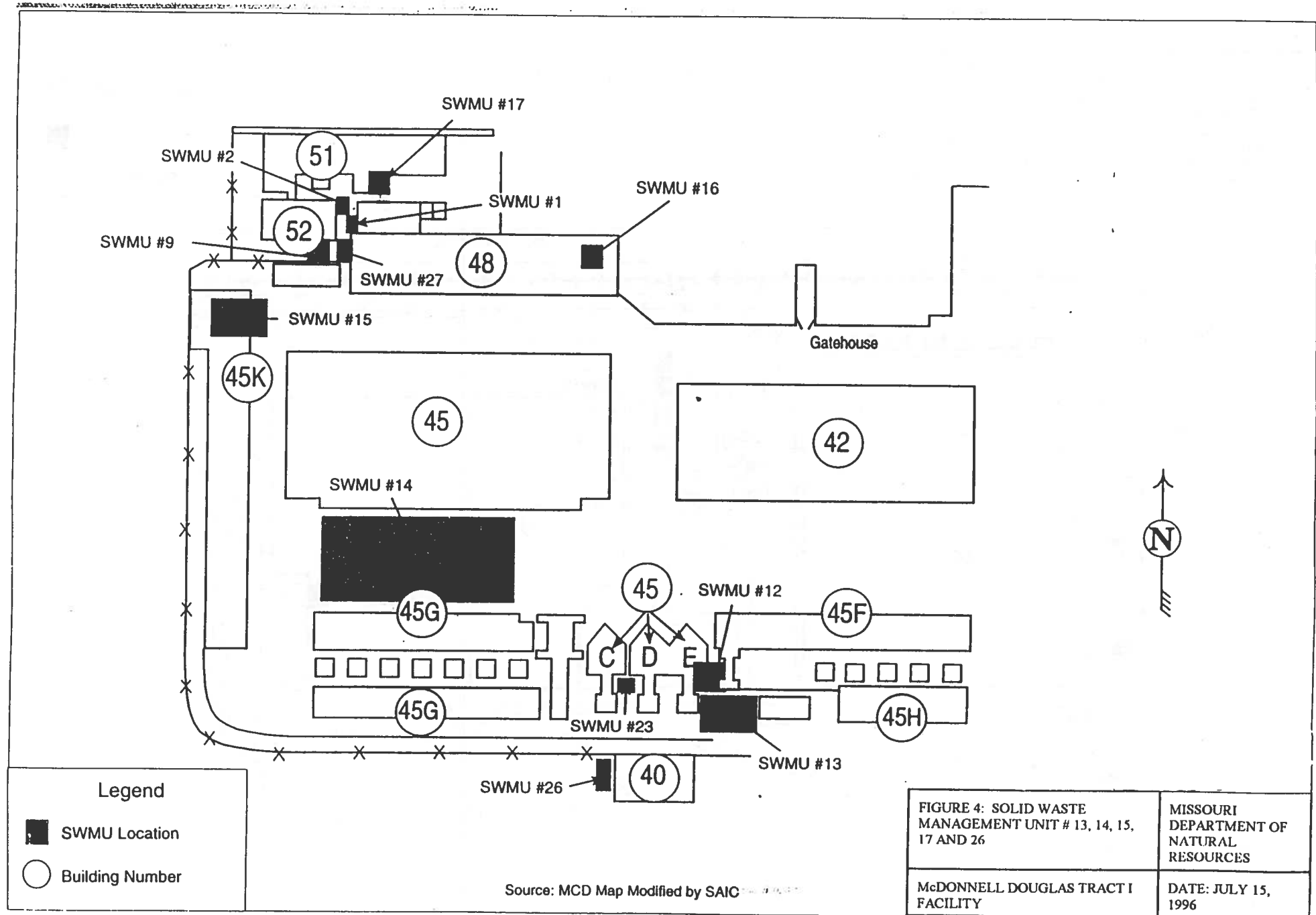
Legend

■ SWMU Location

○ Building Number

Source: MCD Map Modified by SAIC

FIGURE 3: SOLID WASTE MANAGEMENT UNIT # 31	MISSOURI DEPARTMENT OF NATURAL RESOURCES
McDONNELL DOUGLAS TRACT I FACILITY	DATE: JULY 15, 1996



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MAR 10 1997

RCRA PERMITTING & COMPLIANCE BRANCH
(RPOB)

PART II
EPA AUTHORIZATION UNDER THE HAZARDOUS AND
SOLID WASTE AMENDMENTS OF 1984

Pursuant to Section 227 of the Hazardous and Solid Waste Amendments of 1984 (hereafter referred to as "HSWA"), the United States Environmental Protection Agency (hereafter referred to as "EPA") is granted authority to issue or deny permits or those portions of permits affected by the requirements established by HSWA. By this authority and pursuant to Sections 3001(g), 3001(h), 3002(b), 3004(d), 3004(u), 3004(v) and 3005 of the Resource Conservation and Recovery Act ("RCRA") as amended by HSWA, 42 USC §§6921(g), 6921(h), 6922(b), 6924(d), 6924(u), 6924(v), and 6925, EPA hereby grants to the U.S. Department of the Navy as Owner, and the McDonnell Douglas Corporation as Operator (hereafter referred to jointly as "the Permittee"), EPA ID Number MOD000818963, permission to perform activities required by HSWA at their facility located at McDonnell and Lindbergh Boulevard, St. Louis, Missouri, North Latitude 38 45' 25", and West Longitude 90 21' 55", in accordance with the conditions of Part II of this permit.

Part II of this permit addresses other HSWA requirements as administered and enforced by EPA. Applicable regulations are found in 40 CFR Parts 260 through 264, 268, 270, and 124, as specified in Part II of this permit.

All regulations cited in Part II of this permit refer to regulations in effect on the date of this permit issuance. With the exception of regulations in existence at the time of permit issuance and referenced in Part II of this permit, the only other RCRA regulations applicable to this facility during the life of Part II of this permit will be self-implementing regulations.

The Regional Administrator has delegated authority to perform all actions necessary to issue, deny, modify, or revoke and reissue permits for owners and operators of hazardous waste treatment, storage, and disposal facilities pursuant to Section 3005 of RCRA to the Director of Region VII Air, RCRA, and Toxics Division (hereafter referred to as "Director") or the Director's designated representative, by delegation No. R7-8-6; January 1, 1995.


Part II of this permit is based on the assumption that the information applicable to Part II of the permit, in the permit application submitted by the Permittee on February 25, 1994 with revisions dated July 5, 1995 (hereafter referred to as "the application"), is accurate and that the facility will be operated as specified in the application.

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Any inaccuracies found in the application or other submitted information may be grounds for the termination, revocation and reissuance, or modification of Part II of this permit in accordance with 40 CFR §§270.41, 270.42, and 270.43, or for enforcement action. The Permittee must inform EPA of any deviation from or changes in the application that would affect the Permittee's ability to comply with Part II of this permit.

Part II of this permit shall become effective at 12:01 AM on March 5, 1997 and shall remain in effect until March 5, 2007 unless revoked and reissued, terminated or continued in accordance with 40 CFR §§270.41, 270.43, and 270.51. It shall remain in effect even if Part I is terminated or has expired.

Done at Kansas City, Kansas, this 5th day of March, 1997.



William A. Spratlin
Director
Air, RCRA, and Toxics Division

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A. DEFINITIONS

For purposes of Part II of this permit, terms used herein shall have the same meaning as those in RCRA and 40 CFR Parts 124, 260, 261, 264, 268, and 270, unless this permit specifically provides otherwise. Where terms are not defined in RCRA, the regulations, the permit or EPA guidances or publications, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Hazardous waste" means any solid waste as defined in 40 CFR §261.2 which also meets any of the criteria of a hazardous waste as listed in 40 CFR §261.3.

B. STANDARD CONDITIONS

B.1. Submittal of Permit Requirements

- a. Failure to submit the information required in Part II of this permit, or falsification of any submitted information, is subject to enforcement and/or termination of Part II of this permit.
- b. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Director required in Part II of this permit are signed and certified in accordance with 40 CFR §§270.11 and 270.30(k).
- c. Extensions of the due dates specified in Part II of this permit may be granted by the Director in accordance with the permit modification procedures set forth in 40 CFR §270.42.
- d. Unless otherwise specified, two copies of these plans, reports, notifications or other submissions shall be submitted to the EPA and sent by certified mail or hand delivered to:

U.S. Environmental Protection Agency
Region VII
ART Division/RPCB Branch
726 Minnesota Avenue
Kansas City, KS 66101

McDonnell Douglas Corporation, St. Louis, Missouri
MOD 000 818 963
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In addition, one copy of these plans, reports, notifications or other submissions shall be submitted to:

Missouri Department of Natural Resources
Hazardous Waste Program
P.O. Box 176
Jefferson City, MO 65102

B.2. Permit Modification, Revocation and Reissuance, and Termination

- a. Part II of this permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR §§270.41, 270.42, and 270.43.
- b. If the Director determines that further actions beyond those required in Part II of this permit, or changes to the requirements set forth herein, are warranted, the Director may modify Part II of this permit in accordance with 40 CFR §270.41.
- c. Pursuant to the provisions of 40 CFR §270.42, the Permittee may request a modification of Part II of this permit at any time.
- d. Modifications to Part II of this permit do not constitute a reissuance of the permit. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any condition in Part II of this permit.

B.3. Permit Renewal

- a. Part II of this permit may be renewed as specified in 40 CFR §270.30(b). Review of any application for a permit renewal shall consider improvements on the state of control and measurement technology, as well as changes in applicable regulations.
- b. If the Permittee wishes to continue an activity regulated by Part II of this permit after the expiration date of Part II of this permit, the

Permittee shall submit a complete application for a new permit prior to the expiration of Part II of this permit. Such application must be submitted at least 180 calendar days prior to permit expiration unless permission for a later submission date has been granted by the Director.

B.4. Transfer of Permits

Part II of this permit is not transferable to any person or entity until such a time as this permit has been modified or revoked and reissued to identify the proposed new owner or operator of the facility (hereafter referred to as "New Permittee") and to incorporate such other requirements as may be necessary, all in accordance with the procedures set forth in 40 CFR §270, Subpart D. At least 90 calendar days prior to the anticipated date of transfer, the New Permittee shall submit to the Director: 1) a revised permit application; and 2) a copy of the written agreement between the Permittee and the New Permittee, containing the specific date for transfer of the permit responsibilities described herein. The Permittee and the New Permittee shall also comply with the financial requirements as more specifically set forth in 40 CFR §270.40 and 40 CFR, §264, Subpart H. It shall be the Permittee's responsibility to notify the New Permittee in writing of the requirements of 40 CFR Parts 264 and 270 and Part II of this permit.

B.5. Severability

The provisions of Part II of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

B.6. Appeal of a Permit

Part II of this permit may be appealed pursuant to the provisions of 40 CFR §124.19(a), which provides as follows:

Within 30 calendar days after a RCRA final permit decision has been issued

under 40 CFR §124.15, any person who filed comments on that draft permit or participated in the public hearing may petition the Environmental Appeals Board, in writing, to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The 30-day period within which a person may request review under this section begins with the service of notice of the Regional Administrator's action unless a later date is specified in that notice. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and when appropriate, a showing that the condition in question is based on:

- (1) A finding of fact or conclusion of law which is clearly erroneous, or
- (2) An exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.

B.7. Duty to Comply

The Permittee shall comply with all conditions in Part II of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any noncompliance with Part II of this permit, other than noncompliance authorized by an emergency permit, constitutes a violation of Part II of this permit and is grounds for enforcement action; for permit termination, revocation and reissuance, or

modification; or for denial of a permit renewal application.

B.8. Need to Halt or Reduce Activity Not a Defense

In any enforcement action, it shall not be a defense for the Permittee to establish that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of Part II of this permit.

B.9. Duty to Mitigate

In the event of noncompliance with Part II of this permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

B.10. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of Part II of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of Part II of this permit.

B.11. Duty to Provide Information

The Permittee shall furnish to the Director, within a time specified by the Director, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating Part II of this permit, or to determine compliance with Part II of this permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by Part II of this permit.

B.12. Inspection and Entry

Pursuant to 40 CFR §270.30(i), the Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of Part II of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of Part II of this permit;
- c. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under Part II of this permit; and
- d. Sample or monitor, at reasonable times, for the purpose of assuring compliance with Part II of this permit or as otherwise authorized by RCRA, any substances or parameters at any location.

B.13. Monitoring and Records

- a. Samples and measurements taken, to comply with Part II of this permit, for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the Director. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Standard Methods of Wastewater Analysis, or an equivalent method approved under 40 CFR 260.21.
- b. The Permittee shall retain all records required by Part II of this Permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for Part II of

this Permit for a period of at least three years from the date of the sample, measurement, report, record, certification, or application. This period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility.

- c. Pursuant to 40 CFR §270.30(j)(3), records of monitoring information shall specify:
 - (1) The dates, exact place, and times of sampling or measurements;
 - (2) The individuals who performed the sampling or measurements;
 - (3) The dates analyses were performed;
 - (4) The individuals who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.

B.14. Reporting Planned Changes

The Permittee shall give a 20 calendar day advanced notice to the Director of any physical alterations or additions to the portions of the facility subject to Part II of this permit, except for those alterations or additions for which notice is required by Part I of this permit.

B.15. Reporting Noncompliance

- a. The Permittee shall give a 20 calendar day advanced notice to the Director of any planned changes in the permitted facility or activities required by Part II of this permit which may result in noncompliance with the requirements of Part II of this permit.
- b. The Permittee shall report to the Director any noncompliance with Part II of this Permit which

may endanger health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. The report shall include the following:

- (1) Information concerning release of any hazardous waste and/or hazardous constituent that may cause an endangerment to public drinking water supplies; and
 - (2) Any information of a release or discharge of hazardous waste and/or a hazardous constituent, or of a fire or explosion from the hazardous waste management facility, which could threaten the environment or human health outside the facility.
- c. The description of the occurrence and its cause shall include:
- (1) Name, address, and telephone number of the owner or operator;
 - (2) Name, address, and telephone number of the facility;
 - (3) Date, time, and type of incident;
 - (4) Name and quantity of materials involved;
 - (5) The extent of injuries, if any;
 - (6) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - (7) Estimated quantity and disposition of recovered material that resulted from the incident.
- d. A written notice shall also be provided within five calendar days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and,

if not, the time the Permittee anticipates that noncompliance will continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Director may waive the five-day written notice requirement in favor of a written report within 15 calendar days.

B.16. Other Information

Whenever the Permittee becomes aware of the failure to submit any facts in the permit application relevant to Part II of this permit or the submittal of incorrect information in the permit application, or in any report to the Director, the Permittee shall promptly submit such facts or information.

B.17. Incorporations to the Permit

Any plans and schedules required by the conditions of Part II of this permit are, upon approval of the Director, enforceable under Part II of this permit. Any noncompliance with such approved plans and schedules shall constitute noncompliance with Part II of this permit.

B.18. Supplemental Data

All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to Part II of this permit shall be maintained at the permitted facility during the term of Part II of this permit, including the term of any reissued permits. Such information shall be made available to the Director upon request.

C. FACILITY-SPECIFIC CONDITIONS

C.1. Land Disposal Restrictions

- a. The Permittee must comply with all regulations implementing the land disposal restrictions required in 40 CFR Part 268. The Permittee also must comply with regulations implementing the land disposal restrictions that are promulgated after the effective date of Part II of this permit, as these requirements are self-implementing

provisions of HSWA. The Permittee is not subject to the land disposal restrictions if the applicable treatment standard is met, the waste is exempt under 40 CFR §268.1(c), the waste is subject to a variance, or any other exemption in 40 CFR Part 268 applies.

- b. If allowed in the State RCRA Permit (Part I), the Permittee may store wastes to which the land disposal restriction applies for up to one year unless EPA can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal as provided in 40 CFR §268.50(b). For storage of hazardous waste to which the land disposal prohibition applies beyond one year, however, the Permittee shall bear the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal as provided in 40 CFR §268.50(c).

C.2. Air Emissions From Process Vents and Equipment Leaks

- a. The Permittee shall comply with the standards of 40 CFR Part 264 Subpart AA for air emissions from process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous waste with organic concentrations of at least 10 ppm, if these operations are conducted in:
 - (1) Units that are subject to the permitting requirements of 40 CFR Part 270; or
 - (2) Hazardous waste recycling units located at the Permittee's facility.
- b. The Permittee shall comply with 40 CFR Part 264 Subpart BB for air emissions from pumps, valves, compressors, sampling connecting systems, open-ended valves or lines, pressure relief devices, flanges, and other connectors, and closed-vent systems and control devices, that contain or

contact hazardous waste with organic concentrations of at least 10 percent by weight.

- c. The Permittee shall meet the test methods and procedures, record keeping, and reporting requirements of 40 CFR Part 264 Subparts AA and BB.

C.3. Management of EPA Regulated Waste

Pursuant to 40 CFR §261.24 and Sections 3001(g) and (h) of RCRA, 42 USC §§6921(g) and (h), the Permittee may store the hazardous wastes listed below, in addition to the wastes permitted in Part I Special Permit Condition II. These additional wastes shall be included in the quantities allowed in Part I, in the location designated in Part I Special Permit Condition II. The storage of the following wastes shall be in accordance with all applicable requirements of Part I.

D035 D039 D040

D. FACILITY SUBMISSION SUMMARY

Table 1. Summary of possible reporting requirements pursuant to Part II of this permit.

CONDITIONAL REQUIREMENTS	DUE DATE	PERMIT CONDITION
Permit Renewal	180 calendar days prior to Part II permit expiration	B.3.b
Provisions for Part II Permit Transfer	90 calendar days prior to date of Part II permit transfer	B.4
Report Planned Changes	20 calendar days prior to making any physical alterations to any portion of the facility subject to Part II of this permit, except when notice is required by Part I of this permit	B.14

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CONDITIONAL REQUIREMENTS	DUE DATE	PERMIT CONDITION
Report Noncompliance	20 calendar days prior to making any changes which will result in noncompliance with Part II of this permit	B.15.a
Written Notice of Noncompliance	Within 5 calendar days of Permittee's awareness of the circumstance	B.15.d

**SUMMARY OF COMMENTS AND THE MISSOURI DEPARTMENT
OF NATURAL RESOURCES' RESPONSE**

**MCDONNELL DOUGLAS CORPORATION
HAZARDOUS WASTE PERMIT
EPA ID# MOD000818963**

The following public comments were received during the comment period for the draft Permit which began on September 4, 1996, and ended on October 18, 1996. All comments were submitted by McDonnell Douglas via a letter dated October 4, 1996. There were no other comments received from the public.

DEFINITIONS

COMMENT #1, "Area of Concern (AOC)" (Page 7): The definition of "Area of Concern" refers to Table IV for a list of site-specific AOCs. However, there are no AOCs associated with this site and, therefore, no table has been included in the draft Permit. The sentence referencing Table IV should be eliminated from the definition.

MDNR RESPONSE: Accepted. The Permit has been modified accordingly.

SCHEDULE OF COMPLIANCE

COMMENT #2, Section I.A. (Page 9): McDonnell Douglas is required to submit a certification that it has read the Permit in its entirety and understands all of the Permit conditions. The obligation to fully comply with the Permit will inevitably result in our reading the document in its entirety and our understanding of the Permit conditions. However, there is no statutory or regulatory requirement to submit such a certification. Therefore, this requirement should be removed.

MDNR RESPONSE: Not accepted. The intent of this compliance point is simply to assure the MDNR and the public that the Permittee has read and understands the Permit. This is a standard Permit condition and does not necessarily reflect upon McDonnell Douglas.

GENERAL PERMIT CONDITIONS

COMMENT #3, Section III.B. (Page 20): This paragraph should be revised to require that signs shall be posted at the active portion of the facility, as required in 40 CFR 264.14(c), and not at each entrance to the plant site. The hazardous waste storage facility within the plant site is located away from the entrances

to the plant site. Signs posted at the plant site entrances would have no significance due to the distance between the entrances and the storage facility.

MDNR RESPONSE: Accepted. The Permit has been modified accordingly.

COMMENT #4, Section VIII.D.2. (Page 24): The requirement of VIII.D.2. to send a copy of amendments to the Contingency Plan to emergency response agencies was already stated in Section C. The second sentence of Section D. should be eliminated.

MDNR RESPONSE: Not accepted. Under the section addressing amendments to the Contingency Plan, it is appropriate to reiterate that those amendments need to be sent to the emergency response agencies.

SPECIAL PERMIT CONDITIONS

COMMENT #5, Section I.A. (Page 33): The draft Permit states that the Permittee may store "only the following wastes in containers subject to the terms of this Permit." This could be interpreted to mean that the facility is not allowed to store non-hazardous wastes (such as used oil) or items such as a pallet jack, protective gear, communications devices, etc. To eliminate this ambiguity, MDC requests the following substitute language: "The only hazardous wastes that the Permittee may store are those described below. These hazardous wastes must be stored in containers subject to the terms of this Permit."

MDNR RESPONSE: Accepted. The Permit has been modified accordingly.

COMMENT #6, Section I.A.: McDonnell Douglas creates a variety of wastes which are generated infrequently in small quantities, and are lab-packed. The facility proposes adding these wastes to the Permit with the following language:

"Hazardous Wastes listed at 40 CFR 261.33 which are stored in lab pack containers which conform to the requirements of 40 CFR 264.316."

MDNR RESPONSE: Not accepted. The language suggested is far too vague. Any wastes added to the permitted storage area must be listed on the Part A Permit Application. In addition, this comment does not address the draft Permit, as lab packs were not included in the Permit application. It would more appropriately be handled as a Permit modification.

COMMENT #7, Section I.B.4. (Page 34): The legal staff of MDNR suggested that the language in this part be changed from "Containers shall be stacked no more than one high." to

"Containers shall not be stacked.", to make the statement more clear.

MDNR RESPONSE: Accepted. The permit has been modified accordingly.

COMMENT #8, Section I.B.5. (Page 35): It is requested that daily inspections be omitted from the requirements of the Permit. In accordance with 40 CFR 264.174 only weekly inspections are required.

MDNR Response: Accepted. The Permit has been modified accordingly.

COMMENT #9, Section III. (Page 38): Submittal of a waste minimization certification should not be a Permit condition. This information is already required in the operating plan. In addition, the nine program elements listed in III.B. go beyond or are at odds with EPA guidance.

MDNR Response: Accepted. The Permit has been modified accordingly. However, the Permittee is still required to include this certification with the Operating Record annually. The language requiring this certification in the Operating Record will be left in the Permit.

CORRECTIVE ACTION CONDITIONS

COMMENT #10, Section I.A.2. (Page 39), SWMU #17: "SWMU #17 should only include the perchloroethylene transfer area described in the RFA report and not the recovery unit within Building 51."

MDNR RESPONSE: Accepted. The Permit has been modified accordingly.

COMMENT #11, Section III. (Pages 41): "Section III. of the Corrective Action Conditions would impose a requirement for the written notification of "any" release of a hazardous waste or hazardous constituent discovered after the issuance of the Permit, and potentially require a detailed assessment of the release, regardless of size or other minimum reportable quantity, and without any connection to a SWMU. This subsection would further require that such notification be made within 15 days of discovery. Because we can find no authority or need for such an overly broad provision to address HSWA corrective action obligations, Section III. should be deleted from the Permit. Any release that results in an area of potential, suspected, or actual contamination would have to be reported under the requirements applicable to 'Areas of Concern'."

MDNR RESPONSE: The MDNR partially disagrees with this comment and provides the following clarification. The authority to address notification requirements for and assessment of newly-

identified releases at the McDonnell Douglas facility is contained within Subtitle C provision §3005(c)(3) of The Solid Waste Disposal Act as amended by HSWA which provides broad authority to impose corrective action requirements for certain non-SWMUs, as determined necessary by the EPA Administrator (or the State) to protect human health and the environment. Subtitle C provision §3004(u) requires corrective action for all releases from Solid Waste Management Units, but is not a limit on §3005(c)(3). Rather, Subtitle C provision §3004(u) is a mandatory minimum requirement that the Agency must fulfill at permitted facilities. The State's regulatory authority to require investigation of non-SWMUs is rooted in 40 CFR 270.32(b)(2), as incorporated by reference in 10 CSR 25-7.270(1), which states that "Each permit issued under section 3005 of this act shall contain terms and conditions as the Administrator or State Director determines necessary to protect human health and the environment." This authority is referenced on page 6 of the Introduction section of the draft hazardous waste Permit.

Having clarified the State's authority in this matter, attention turns to the specific intent of Corrective Action Condition III. This condition is not intended to cause McDonnell Douglas to report any and all releases of hazardous waste or hazardous constituents discovered after the issuance of the Permit and in doing so create unduly burdensome reporting or other administrative requirements. This condition is intended to ensure that the MDNR retains the ability to require notification, investigation and/or remediation of any newly-identified releases related to previously identified SWMUs or AOCs (i.e., known SWMU/AOCs with no identified releases at the time of Permit issuance). This corrective action condition is routinely included in all hazardous waste Permits.

In consideration of McDonnell Douglas' present waste handling and spill response protocols, as contained in the Part B Permit application, and the above-referenced comment stating that "Any release that results in an area of potential, suspected, or actual contamination would have to be reported under the requirements applicable to 'Areas of Concern'." as required by Corrective Action Condition II., the draft Permit has been modified to reflect the following clarification. Corrective Action Condition III. now specifies that the newly-identified releases subject to this requirement are those specifically associated with previously identified SWMUs or AOCs as listed in the Part B Permit application and/or the RCRA Facility Assessment Report dated August 14, 1995.

COMMENT #12: Table I (page 56) and associated deadlines for the Interim Measures (IM) Work Plan, the RCRA Facility Investigation (RFI) Work Plan and the Corrective Measures Study (CMS) Work Plan: "The 'Corrective Action Conditions' Section of the draft Permit imposes various schedules for completion or submittal of certain actions or reports. In a number of instances, these time frames are unrealistically short, because detailed technical

and/or legal review may be required to ensure accuracy. The following deadlines should be revised to provide the time necessary to provide a quality work product, thereby reducing the time required for Agency review or HSWA Permittee revision."

McDonnell Douglas goes on to recommend, in tabular format, that:

- The IM Work Plan deadline should be changed from 45 calender days from the effective date of the Permit to 90 calender days from the effective date of the Permit.
- The RFI Work Plan deadline should be changed from 90 calender days from the effective date of the Permit to 180 calender days from the effective date of the Permit.
- The CMS Work Plan deadline should be changed from within 45 days of notification of requirement by DNR to within 180 days of notification of requirement by DNR.

MDNR RESPONSE: The MDNR partially disagrees with the proposed changes to the deadlines specified in the draft Permit and provides the following clarification. These corrective action deadlines are routinely included in all hazardous waste Permits and are typically imposed on all RCRA facilities undergoing corrective action. Historically, most facilities have been able to meet these deadlines. McDonnell Douglas has already expended considerable effort in preparation of the Part B Permit application as related to corrective action and is generally aware, as a function of the draft Permit, of the SWMUs and AOCs to be addressed. Given the anticipated nature and scope of the IM and RFI Work Plans, the deadlines for submittal specified in the draft Permit appear sufficient and as such are not changed in the final Permit.

Due to the technical nature of the operations at the McDonnell Douglas facility and the possibility that complex aspects related thereto will need to be considered during development of any CMS Work Plan required by the MDNR, the 45-day CMS Work Plan submittal deadline specified in Corrective Action Condition VII. and Table 1 is changed to 60 days in the final Permit.

McDonnell Douglas is strongly encouraged to continue to frequently communicate with MDNR to ensure that agency expectations for corrective action are met prior to submission of any required Work Plans. This will help to minimize any necessary revisions or delays resulting from the MDNR's review of deliverables. McDonnell Douglas is advised that once the final Permit is issued, MDNR has the ability to grant corrective action deliverable deadline extensions on a case-by-case basis, as appropriate, provided that reasonable justification for the extension accompanies any such request.

COMMENT #13., Section IV.A.4. (Page 45), SWMU 22, Bldg. 2 Paint Booth Satellite Accumulation Drum stabilization activities: "MCD

does not believe stabilization measures are necessary at this unit. The sample collection should be sufficient to address the 4 foot by 5 foot area covered by timbers. Samples were collected within 5 feet of the area covered by the timbers. Total xylene at 12 ug/kg was the only organic contaminant detected at this unit, well below Missouri Any-Use Levels. Had paint residue reached the soil, one would expect to find methyl ethyl ketone and toluene in high concentrations; however, concentrations of these contaminants were below detection limits."

MDNR RESPONSE: Accepted. The final Permit has been modified to eliminate all interim measures related to the Paint Booth (SWMU 22) except for repair (including repair documentation) of cracks in the concrete in the vicinity of the Paint Booth Satellite Accumulation Drum Area. Also, to further clarify language associated with the interim measures, Section IV.C.3 shall have the words "or should have known" removed from the first sentence.

COMMENT #14, Section I.A.1. (Page 39), SWMU 10, Waste Oil Tank Bldg. 5: "The information presented in the RFA report does not justify a RFI Work Plan at this SWMU. TPH and BTEX concentrations would have been high had a release to soils/groundwater from waste activities occurred. Analytical results from the RFA sampling visit indicate that inorganic concentrations are comparable to those in samples from other units at the facility that were not identified as SWMUs. PCE levels are below the Missouri Any-Use Soil Levels. PCE has never been associated with the activities at this waste oil collection tank. PAHs at levels detected during the sampling visit would not be uncommon in an old asphalt/asphalt sealed area."

MDNR RESPONSE: The MDNR disagrees with this comment. The RFA sampling visit identified a variety of PAHs in this area. While the associated concentration levels do not exceed the Missouri Department Of Health's (MDOH) Proposed Any-Use Soil Levels, this is but one potentially applicable regulatory criterion. The RFI should be designed to confirm the presence of and determine the nature/extent of contamination thereby enabling informed decisions as to the necessity for a CMS and providing support for any subsequent determination as to the necessity for and/or scope of actual remediation. In this case, the RFA findings should not be used as the basis for any final decisions regarding the applicability, or lack thereof, of specific regulatory criteria with respect to remediation inasmuch as the nature, extent and source(s) of contamination are largely unknown. PAH contamination in this area was observed to be widespread and those concentrations measured during the RFA may, or may not, be representative of the overall nature of contamination. Hence, further sampling of this area by McDonnell Douglas as part of the RFI is justified. This sampling should initially be directed towards confirming the presence of and/or establishing the nature and extent of PAH contamination in this area including assessment of McDonnell Douglas' assertion that asphaltic leaching is the primary source of PAH contamination. The HWP agrees that

inorganics do not appear to be significant at this unit based on the RFA sampling results, however, the RFA sampling was not comprehensive. Inorganics in this area will need to be assessed further as part of the RFI to confirm this initial observation. SWMU 10 will remain on the list of units in the final Permit to be evaluated as part of the RFI.

COMMENT #15, Section I.A.3. (Page 39), SWMU 31, Bldg. 22 Maintenance Shop Waste Oil Tank: "The information presented in the RFA report does not justify a RFI Work Plan at this SWMU. Beryllium was the only contaminant detected above Missouri Any-Use Soil Levels although this was true in only one of the four samples collected. Had cracks in the asphalt pad supporting this tank allowed small amounts of waste oil to reach the underlying soils, TPH and BTEX concentrations would have been expected to be very high. The PAH concentrations in the samples is not unusual for an asphalt/asphalt sealed area. PCE concentrations in the samples were at or near detection limits. PCE is not a component of the waste stream from this unit. PCE is not routinely used or readily available from the garage operations. The PCE level is well below Missouri Any-use Levels. The aboveground, 750-gallon tank described in the RFA no longer exists. Waste oil is pumped to 55-gallon drums, located indoors on spill containment pallets."

MDNR RESPONSE: The MDNR disagrees with this comment for the same reasons cited above in the MDNR's response to Comment #5. SWMU 31 will remain on the list of units in the final Permit to be evaluated as part of the RFI.

COMMENT #16, Section I.A.4. (Page 39), SWMU 26, Bldg. 40 Former Less-Than-90 Day Storage Area: "The information presented in the RFA report does not justify a RFI Work Plan at this SWMU. Beryllium was the only contaminant detected above Missouri Any-Use Soil Levels and this was only slightly above the 1.2 ppm level (1.37 ppm). Samples were collected from a worst case scenario, however no organic contaminants were detected in any of the samples. One would expect to find high concentrations of TPH and BTEX if a release had occurred from this unit. Most inorganics at this unit were comparable to those in samples from other units at the facility. Lead, arsenic, mercury, and manganese, in concentrations not detected in other background samples, cannot be associated with waste management activities at this unit. Hydraulic fluids and a small amount of solvents were the wastes managed at this location."

MDNR RESPONSE: The MDNR disagrees with this comment. During the RFA sampling event conducted at SWMU 26 on November 17, 1994, HNu screening measurements from sample location 40-2 in this area were measured at 360 ppm, one of the highest readings recorded during the entire sampling investigation at the McDonnell Douglas facility. In addition, the combustible gas indicator alarm indicated exceedance of the lower explosive limit at this location. Although, these field screening measurements indicated

the presence of volatile and/or combustible contaminants at this location, the analytical results for samples taken from this location did not provide positive confirmation of this presence. Field screening measurements obtained at nearby sample location 40-1 were also inconsistent with those obtained at sample location 40-2. This field measurement information is presented on page 23 of Appendix C in the RFA report.

Given the field screening measurements at 40-2, it is surprising that no organics were present above method detection limits in the soil samples taken from 0-12" and 12-24" at this location. The potential presence of subsurface contamination in a gaseous phase and any associated contaminant source(s) at SWMU 26 is not acknowledged or discussed in the final RFA Report. The area at SWMU 26 is covered with concrete and is underlain, as observed during the RFA sampling, with a highly permeable sub-grade gravel layer. In this area, the concrete may act as a continuous horizontal barrier to the upward migration and volatilization of subsurface gas. This could allow build up of subsurface gas beneath the concrete and subsequent lateral migration within the underlying gravel layer. Ultimately, elevated field soil gas measurements coupled with analytical results below method detection limits for adjacent soils suggests that a source area for volatile contaminants may be present beneath the pavement in this area which was not identified during the RFA. Based on the foregoing, the RFI Work Plan component in this area should be designed to investigate the presence of subsurface gaseous phase organics and thereby confirm or deny the presence of a contaminant source(s) in this area. As previously indicated, the potential presence of subsurface gas and any associated contaminant source(s) was not acknowledged or discussed in the final RFA Report. Later analysis of the RFA field notes and sampling results by the HWP identified SWMU 26 as an issue requiring further investigation during the RFI.

The MDNR acknowledges that inorganics, while higher at this unit than most other units, do not exceed MDOH Proposed Any-Use Soil Levels with the exception of Beryllium which appears consistently elevated throughout the area (including background). However, inorganics in this area will need to be assessed further as part of the RFI to confirm this initial observation for the same reasons cited above in the MDNR's response to comment #5. SWMU 26 will remain on the list of units in the final Permit to be evaluated as part of the RFI.

COMMENT #17, Section I.A.5. (Page 34), SWMU Group 1: SWMU 13, Hush House Waste Fuel Tank; SWMU 14, Fuel Pits 3 and 4 Waste Fuel Storage; and SWMU 15, Bldg. 45K Waste Jet Fuel Storage: "This SWMU group should not be addressed in the context of a RFI in a RCRA permit. All of the SWMUs in SWMU Group 1 are undergoing remediation with the approval of the Missouri Department of Natural Resources (DNR) Leaking Underground Storage Unit. This project is well past the investigative state. All of the information collected in investigations and numerous sampling

episodes has been communicated with the Department of Natural Resources. TPH and BTEX levels at only 7 out of an original 29 remain above action levels. We would suggest continuing to address these sites with the Leaking Underground Storage Tank unit and continue to provide updates as required."

MDNR RESPONSE: The MDNR agrees with this comment. Further review of the nature, scope, and findings of those activities already performed and those still to be performed at this SWMU group in accordance with LUST requirements appear sufficient to address any corresponding RCRA corrective action concerns/requirements. Hence, the final Permit has been revised to eliminate this SWMU Group from the list of SWMUs to be evaluated under the RFI Work Plan. The MDNR-HWP Permits Section does, however, request that McDonnell Douglas provide a copy of all future LUST project submittals and updates to the Permits Section. The Permits Section will then provide, as appropriate, input to the LUST Unit concerning these submittals and any future LUST activities or approvals to the extent necessary to ensure that any relevant RCRA corrective action issues are also addressed.

COMMENT #18, Section I.A.6. (Page 39), SWMU Group 2: SWMU 3, Bldg. 14 Wastewater Treatment Sludge Collection Tank; and SWMU 21, Bldg. 14 Industrial Wastewater Treatment Plant: "The Wastewater Treatment Sludge Collection Tank should not be included with this SWMU group and should not require a RFI Work Plan. MCD has conducted investigations of this SWMU related to closure of the unit. A sampling investigation was conducted as required by DNR and analytical information does not indicate a release has occurred from the sludge collection tank. A closure report and engineer's certification were submitted to DNR in August 1995. This information was not included in the RFA report."

MDNR RESPONSE: The MDNR conditionally agrees with this comment. SWMU 3 was combined with SWMU 21 in the draft Permit to form SWMU Group 2 due to its close proximity and the possibility of commingled releases. The final Permit has been revised to eliminate SWMU Group 2 and SWMU 3, however, SWMU 21 will remain as an individual SWMU to be evaluated under the RFI Work Plan. Should a release be discovered during the RFI at SWMU 21 (Wastewater Treatment Plant) which is determined to be somehow attributable to SWMU 3 (Sludge Holding Tank), subsequent corrective action activities will necessarily have to address the release irrespective of SWMU association.

COMMENT #19, Section XI.A. (Page 53), Quarterly Progress Reports: "It is not clear from the wording 'all permitted corrective action activities' if this is to include only the Corrective Measures Study activities or is expanded to include the Interim Measures activities and the RCRA Facility Investigation Plan activities. The Permit should be revised to clarify that the phrase 'all

Permitted corrective action activities' refers only to those activities undertaken as part of a Corrective Measures Study."

MDNR RESPONSE: McDonnell Douglas is mistaken in their interpretation of this requirement. The MDNR language in the final Permit has not been revised, however, the following clarification is provided. The phrase "all Permitted corrective action activities" seems reasonably self-explanatory and does not refer solely to those activities undertaken as part of a Corrective Measures Study. The quarterly progress reporting requirement applies to all corrective action activities conducted pursuant to the Corrective Action Conditions in the final Permit. This includes any interim measures activities; RFI Work Plan and RFI Report development and implementation including associated field investigation, monitoring, etc; CMS Work Plan and CMS Report development and implementation including associated field investigation, monitoring, etc; and any additional SWMU- or AOC-related activities. The quarterly progress reports must include a brief summary of all the corrective action-related work performed during the preceding quarter and that which is anticipated to be performed during the subsequent quarter. The quarterly progress reports are not meant to be unduly cumbersome or represent an exhaustive analysis of data collected, but are intended as a tool to ensure that MDNR remains abreast of corrective action progress and any major issues that might arise during the corrective action process. Routine reporting is required even if no active corrective action activities were undertaken during a particular quarter. Such reports should explicitly acknowledge this fact and/or reference other relevant factors (e.g., waiting on agency RFI/CMS approval, etc.). McDonnell Douglas is encouraged to contact MDNR if further clarification is needed with respect to the format or content of the required quarterly reports.

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176 Jefferson City, MO 65102-0176

March 5, 1997

Ms. Lynn Silence
Technical Services
St. Louis County Library
1640 S. Lindbergh Blvd.
St. Louis, MO 63131-3598

RE: McDonnell Douglas Corporation, Final Hazardous Waste Permit

Dear Ms. Silence:

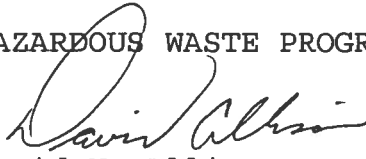
Enclosed is a copy of the final permit, final permit cover letter and a summary of comments regarding the hazardous waste management facility permit for the above-referenced facility.

The Missouri Department of Natural Resources is requesting that these documents be made available for public viewing at the **Prairie Commons Branch** of the St. Louis County Library. Please allow the public to review the information, make copies, etc.; however, this information should not be removed from the library.

Thank you for your cooperation in this matter. If you have any questions, please contact me at (573) 751-3176.

Sincerely,

HAZARDOUS WASTE PROGRAM


David W. Allison
Environmental Specialist
Permits Section

DWA:sw

Enclosures

c: Mr. Joe Haake, McDonnell Douglas Corporation
Bob Stewart, P.E., U.S. EPA Region VII
MDNR, St. Louis Regional Office

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176 Jefferson City, MO 65102-0176

March 5, 1997

RE: McDonnell Douglas Corporation, Final Hazardous Waste Permit

Dear Landowner/Concerned Citizen:


This letter is to notify you that the Missouri Department of Natural Resources has issued a final permit to McDonnell Douglas Corporation located at McDonnell and Lindbergh Boulevard, St. Louis. Enclosed is a copy of the letter to McDonnell Douglas announcing the department's final decision and a summary and response to comments received during the comment period.

Any aggrieved person may appeal this decision by filing a written appeal within 30 days from the date of decision with the Missouri Hazardous Waste Management Commission, P.O. Box 176, Jefferson City, MO 65102. A notice of appeal must be limited to issues raised during the public comment period and not resolved in the final decision to the aggrieved person's satisfaction. Any appeal with issues that are outside those raised during the public comment period shall not be considered by the commission. However, the commission will consider appeals of new provisions in the final permit that were not present in the draft permit.

If you have any questions or comments, please contact Mr. Brian McCurren, of my staff, at the letterhead address or by phone at (573) 751-3176.

Sincerely,

HAZARDOUS WASTE PROGRAM


Ed Sadler
Director

ES:das

Enclosures

c: Mr. Joe Haake, McDonnell Douglas Corporation
Bob Stewart, P.E., U.S. EPA Region VII
MDNR, St. Louis Regional Office